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DRAFT ENVIRONMENTAL IMPACT STATEMENT

PUBLIC MEETING

TRANSCRIPT OF PROCEEDINGS TAKEN ON:

OCTOBER 15, 2008

1:09 P.M.

Reported By: Kathy Mannlein, CSR No. 13153

1 Transcript of proceedings taken on Wednesday, October
2 15, 2008, 1:09 p.m., at the Picadilly Inn Airport, 5115
3 East McKinley, Fresno, California, before Kathy
4 Mannlein, CSR No. 13153.

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COMMISSIONERS PRESENT:

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COMMISSIONER DOUGLAS A. HJORTH

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COMMISSIONER SHANA M. MURRAY

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COMMISSIONER JIM FARGO (via telephone)

13

14

Also present: Cynthia A. Whelan

15

Bill Pistor

16

Martin Ostendorf

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Wayne Allen

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Chris Oberti

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Maureen E. Barile

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1 FRESNO, CALIFORNIA;
2 WEDNESDAY, OCTOBER 15, 2008; 1:09 P.M.;
3 PICADILLY INN AIRPORT

4
5 MR. MURRAY: Okay. I'm going to officially open
6 this meeting up. This is the public meeting for the Big
7 Creek Draft Environmental Impact Statement. My name is
8 Shana Murray. I'm with FERC. This is Doug Hjorth. He
9 is with our consultants of Louis Berger. And then we
10 have Jim -- Jim Fargo on the phone. He was unable to
11 make it out here in person. But at the last minute, we
12 got him on the line. So he's kind of a floating
13 presence, if you will, at the meeting. Okay. So the
14 purpose of this meeting is to hear your oral comments,
15 and receive your written comments, on our Draft EIS.
16 Again, they're on the four projects, the Big Creek
17 projects.

18 First of all, I want to lay out a few ground
19 rules. Of course, we always want to show respect for
20 other participants. So, you know, when someone's
21 speaking, just please listen to what they're saying and
22 don't interrupt. And if you could, when you come up to
23 give your oral comments, if you could come up by our
24 court reporter, and state your name and affiliation, for
25 her purposes in the transcripts. That would be great.

1 Again, we're going to take comments in the order that
2 people signed in. And then if you have written
3 comments, you can go ahead and give those to our court
4 reporter, and then they'll be put on the public record.

5 So as far as the history of the proceeding, in
6 August 2001, FERC went ahead and gave approval to use
7 the AOP for the Big Creek projects. We had re-license
8 applications filed for Mammoth Pool on November 29th,
9 2005, and the other three on February 23rd, 2007. We
10 received this settlement February 23rd, 2007, and then
11 FERC issues the Draft EIS September 12th, 2008. So the
12 next big milestone will be the comments on our Draft
13 EIS, which are due November 3rd, 2008.

14 MR. HJORTH: Okay. The scope of the Draft EIS
15 considers environmental and developmental -- meaning
16 items pertaining to cost and energy of operating and
17 maintaining the Big Creek projects. We look at three
18 alternatives, the first being under the requirements of
19 the existing licenses -- which we consider the "no
20 action" alternative. We looked at licensing the
21 projects with conditions of the Settlement Agreement,
22 which we consider in this case the applicant's proposal.
23 And we also look at additional measures and
24 staff-recommended changes to the Settlement, which we
25 call a staff alternative. Now SCE proposed a rather

1 comprehensive set of measures covering the full range
2 of resources in the San Joaquin river basin. I think,
3 given the folks who are here today, you're pretty
4 familiar with what the content of the Settlement is. So
5 -- unless somebody wants to talk about those later, I'm
6 going to kind of breeze by these fairly quickly. And
7 these are a listing of the measures that are included,
8 and types of measures summarized briefly of what's
9 included in the Settlement Agreement.

10 Now, the staff alternative, or the staff
11 recommendations for inclusion in a new license,
12 essentially include most of the provisions of the
13 Settlement Agreement, except for those provisions to
14 manage what are surface elevations for recreational
15 purposes at the Big Creek number 1 and 2 project --
16 specifically, Huntington Lake -- as well as the Mammoth
17 Pool project -- again, specifically Mammoth Pool
18 reservoir. And we also did not include, as a
19 recommendation for inclusion in the license, the measure
20 to fund rehabilitation of five campgrounds that are
21 outside of the existing project boundaries. We also
22 recommended several measures beyond what were specified
23 in the settlement. The first being -- and, again, these
24 are the key elements of what we added to the Settlement,
25 or the applicant's proposal. We suggested qualitative

1 assessment of gravel embeddedness together, which would
2 be done cooperatively with the assessment of pool depth,
3 which is included as a measure in the Settlement, after
4 flushing flow releases from Dams 4, 5 and 6. We also
5 did not agree that a measure to feasibility assessment
6 of gravel augmentation at Mammoth Pool project should be
7 outside the project license. We agree with the measure
8 of the pending fee of the Settlement, but we felt it
9 should be a measure included in the license for the
10 project -- for the Mammoth Pool project. Number 3, I
11 consider just a tweak of an existing measure. We don't
12 -- well, I won't judge what people feel about it -- but
13 in the event of a raptor mortality associated with
14 project transmission lines, an assessment would be
15 conducted in accordance with terms of the Settlement.
16 We just wanted to make sure the assessment and potential
17 remedial actions take into account the most recent Avian
18 Power Line Interaction Committee guidelines, which are
19 generally considered mismanagement practices for
20 protecting raptors and associated with transmission
21 lines. And the remaining three are measures included or
22 specified in Forest Service, 4(e) conditions. Those are
23 measures which are frequently included in Forest Service
24 4(e) conditions for any hydro project in -- that
25 occupies National Forest Service lands, or manage lands.

1 And we also recommend they be included in the license.

2 MS. MURRAY: So if you don't have a copy of the
3 Draft, you can go ahead and e-mail Susan Dupree at
4 ferc.gov, or, you know, send in a written request for a
5 copy. There's no charge for this. You can request
6 whether you want to see a CD or hard copy. As far as
7 public record is concerned, all the current information
8 on the project is on the public record, and that can be
9 accessed through the Commission's eLibrary. Obviously
10 there's specific instructions so that you can do a
11 general search, and then put in the docket number for
12 any one of the projects. If you need further
13 assistance, we do have a help line; or at the end of
14 this meeting, you can come and ask me, and I can help
15 you out with that. Again, comments on the Draft EIS
16 have to be in by November 3rd, 2008. And you need to be
17 specific and show clearly on the first page, the name of
18 the project you're referring to in the docket. You can
19 send those to our secretary, Kimberly D. Bose. You can
20 also file them electronically -- and we do prefer this,
21 just because when you file them electronically, they
22 show up on the record almost immediately or within the
23 day, rather than send it through the mail. But either
24 way is fine. Again, if you have any questions on how to
25 do that after the meeting, I'm available. Or if you

1 have any further questions on the project, coordinator
2 Jim Fargo is available, and we have his information, as
3 well. So the next milestone after the comments: the
4 Commission plans to issue the final EIS in March 2009.
5 So with that, we're going to go ahead and open it to our
6 first speaker.

7 MR. HJORTH: Right now we have two people signed
8 up to speak. And we might make it to Maureen -- and
9 I'll let you pronounce your first name.

10 MS. MURRAY: If you come up by the court
11 reporter, and just say your name and your association
12 for the transcript.

13 MS. BARILE: My name is Maureen, M-a-u-r-e-e-n
14 Barile. B, like in boy, a-r-i-l-e. I'm here today as
15 Secretary of the Huntington Lake Association. The
16 Huntington Lake Association has been in existence since
17 1923, incorporating in 1960. Our members include over
18 415 recreational residence permittees, commercial
19 entities, youth and church camps.

20 Other mountain community organizations where I
21 also volunteer include the Huntington Lake Big Creek
22 Historical Conservancy, the Fresno County Sheriff's
23 Department Search & Rescue outdoor children's safety
24 program, Hug-A-Tree, Sierra Snowmobile Association, and
25 the US Forest Service's Volunteer Winter Trail Patrol

1 program.

2 Eight years ago I read a Public Notice inviting
3 the public to participate in the re-licensing of the Big
4 Creek Hydroelectric Project. I was immediately
5 interested and knew this was something where the local
6 folks needed to be involved.

7 The first meeting I attended was at Prather.
8 There was a group of folks sitting at a large conference
9 table. During the discussion, I brought up the subject
10 of winter recreation. Ed Bianchi was leading the group.
11 Ed got me motivated. He wasn't aware of the extent of
12 winter recreation activities in the project boundaries
13 and encouraged me to bring back more information. His
14 quote was, "We need people to bring us information and
15 be involved." Eight years later we are still involved,
16 sharing in the re-licensing process.

17 We local folks -- Huntington Lake Association,
18 SAMS Coalition and Huntington Lake Big Creek Historical
19 Conservancy -- are dedicated, and take our
20 responsibilities seriously. The local folks I represent
21 are all volunteers, including myself. We have no paid
22 staff. If we want it done, we do it, and we take the
23 information back to our boards and committees for
24 approval. From the beginning, our focus has been the
25 support of hydropower production, water for downstream

1 needs, economics, recreation, and history, while
2 producing a final document that is understandable by the
3 public, as directed by the Federal Power Act.

4 In addition to active participation in the
5 Plenary meetings, I also actively participated on the
6 Recreation, Cultural, Lake Levels and Emergency Services
7 sub-working groups. Over seven years I volunteered
8 approximately 2300 hours of my personal time attending
9 meetings, reading, researching, and responding to areas
10 of study and discussion.

11 Through the re-licensing process, the Huntington
12 Lake Association has brought numerous groups to the
13 table with their expertise and ideas: SAMS Coalition,
14 represented by Katy Horst; the Fresno County Sheriff's
15 Department -- who not only provides law enforcement, but
16 also Search and Rescue responsibilities in the project
17 area -- represented by Captain Rick Hill; the Fresno
18 Yacht Club -- who in 2003 celebrated the 50th
19 anniversary of the High Sierra Regatta at Huntington
20 Lake -- represented by Fred Ilchert; the Huntington Lake
21 Volunteer Fire Department, represented by Bob Leach;
22 local businesses, represented by Mark Richards of
23 Rancheria Enterprises; Chris Oberti, representing the
24 Huntington Lake Big Creek Historical Conservancy; and
25 myself, representing the Huntington Lake Association.

1 We appreciate the opportunity Southern California
2 Edison placed out to the public in the ALP. The ALP was
3 Dr. Demming's Total Quality Management theory of
4 decision-making, working at it's finest.

5 The process was open and transparent. The
6 protocols we all agreed upon from the start were adhered
7 to throughout the process. This allowed for a very
8 workable setting, in which all participants could be
9 actively and openly engaged without fear of retribution.
10 The outcome was an all-encompassing document of over
11 39,000 pages. We feel this is a very good document and
12 support it as written. Submitted by Maureen Barile,
13 Secretary, Huntington Lake Association. Thank you.

14 MR. HJORTH: Thank you very much, Maureen.

15 Our next speaker will be Chris Oberti.

16 MS. OBERTI: Christine Oberti, O-b-e-r-t-i.

17 And it's Huntington Lake Big Creek Historical
18 Conservancy.

19 As a participating stakeholder in the Southern
20 California Edison ALP Big Creek Hydroelectric Project
21 Re-licensing, the Huntington Lake Big Creek Historical
22 Conservancy and the Community of Huntington Lake support
23 the proposed FERC license.

24 Since the year 2000, we have been engaged with
25 the process for the support of sustainable and clean

1 energy resources, that is, hydro production. Over 2300
2 hours were spent as a volunteer organization, as part of
3 the various committees, as part of this collaborative
4 process. We applaud the process that produced such a
5 fine and positive outcome, that provides so many
6 benefits to the general public. Thank you for the
7 FERC's support of this incredible and amazing project.
8 Sincerely, Chris Oberti. Thank you.

9 MR. HJORTH: Thank you very much. Now, we
10 appreciate the input. What we do now, normally, is we
11 open the meeting up to anybody who didn't officially
12 sign up to speak, if they would like to say anything.
13 We've had two fine sources of input so far. I recognize
14 the folks will probably, or may also, be filing written
15 comments. But since we're all here, we thought we'd
16 open it up to anybody who didn't officially sign up to
17 speak, if they'd like to say anything -- maybe request
18 clarification? If there are things that are unclear in
19 the DEIS, that could also be a purpose of our gathering
20 today.

21 MR. FARGO: Can you give me an idea of who's
22 there?

23 MR. HJORTH: That's a great idea. Have you been
24 able to hear what's been said so far?

25 MR. FARGO: Yeah. Pretty much so, yeah.

1 MR. HJORTH: Okay, good.

2 MS. MURRAY: We can go ahead and start with
3 Cindy.

4 MS. WHELAN: Hi, Jim. This is Cindy Whelan.

5 MR. FARGO: Hello, Cindy.

6 MR. PISTOR: Bill Pistor, from Kearns and West.

7 MR. ALLEN: Wayne Allen, with Southern California
8 Edison.

9 MR. FARGO: Hey, Wayne.

10 MR. ALLEN: How you doing, Jim?

11 MR. OSTENDORF: And Martin Ostendorf, with
12 ENTRIX.

13 MR. FARGO: Hi, Martin.

14 MR. OSTENDORF: How you doing, Jim?

15 MS. MURRAY: And that would be the makeup of the
16 entire room, besides Doug and I and the court reporter.

17 MR. FARGO: And I know you both would be filing
18 some comments on the Draft, and I don't know how --
19 whether the parties to the --

20 MR. HJORTH: Okay. The the court reporter's
21 having a hard time catching what you're saying -- and I
22 need to understand if we brought the phone over to you,
23 or if he just talks quieter, or slower?

24 THE COURT REPORTER: All of the above.

25 MR. HJORTH: Okay.

1 THE COURT REPORTER: If you could bring the phone
2 over to me, that would help more than anything.

3 MR. HJORTH: Okay. Should he repeat, in essence,
4 what he was saying.

5 THE COURT REPORTER: Yes.

6 MS. MURRAY: Jim, could you repeat what you said?

7 MR. FARGO: I can't hear nothing now. It's just
8 buzzing.

9 MR. HJORTH: You know, what I need to do is turn
10 off the power point projector, and get that away from
11 the microphone. That's -- I think, is what's
12 interfering.

13 MR. MURRAY: Did that help, Jim?

14 MR. FARGO: No. I mean, I just -- I guess, if
15 you didn't hear, you know, my remarks a minute ago -- I
16 guess, my only suggestion was: I know in situations like
17 this, when there's a settlement -- I mean, the parties
18 that have already agreed to support the settlement and
19 need to talk together. So all I suggested is this might
20 be an opportunity to just talk, in general, about
21 alternatives, and then, we maybe have an idea if they've
22 had a chance to do that talking.

23 MR. PISTOR: This is Bill Pistor, and I would say
24 that the group has talked for hundreds and hundreds of
25 hours since the DEIS came out. I know that Edison

1 Forest Service and Edison and the Huntington Lake
2 Association --

3 MR. FARGO: Excuse me, Doug?

4 MR. HJORTH: Yeah?

5 MR. FARGO: Doug, could you pull that away?
6 Whatever you did, can you just pull that away, so I can
7 at least hear the people talking?

8 THE COURT REPORTER: If you could just talk maybe
9 up here, he can hear you better -- I don't know.

10 MR. PISTOR: Jim, this is Bill Pistor.

11 MR. FARGO: Whatever he did, he put something on
12 the thing by the phone. You don't need to hear me, I'd
13 just like to listen in.

14 MR. PISTOR: Okay. I was just letting you know
15 that since the DEIS came out, Edison has met with the
16 Forest Service and with the Huntington Lake Association,
17 two of the groups that have been involved since the
18 start. And I think that everybody affirmed with one
19 another that they're in agreement on the Settlement
20 Agreement, and the Settlement Agreement is still the
21 active force of decision. And that's what, I think --
22 is what has been communicated here.

23 MR. FARGO: Okay.

24 MR. PISTOR: And I think Cindy's coming up. So
25 hang in there.

1 MS. WHELAN: Hi, Jim. Jim, the Forest Services
2 reviewed the DEIS, in general. We are still with
3 settlement. We do not disagree with the staff
4 recommendations. We'll be submitting written comments,
5 which will be very short, and mostly in support of the
6 Settlement Agreement.

7 MR. FARGO: Okay.

8 MS. WHELAN: There may be some clarifying numbers
9 or minor clarifications, but they are only
10 clarifications.

11 MR. FARGO: All right.

12 MS. WHELAN: The Forest Service agrees with the
13 staff recommendations and will be submitting comments
14 and such.

15 MR. FARGO: Well, if there's no need to talk or
16 any use to talking to staff, you know, before you submit
17 your comments, we probably could get a call together
18 fairly rapidly, too. So just let me know.

19 MS. WHELAN: We don't expect that to be
20 necessary.

21 MR. FARGO: Okay.

22 MS. WHELAN: We appreciate the staff's work on
23 the document.

24 MR. FARGO: Thanks, Cindy.

25 MR. ALLEN: Hey, Jim. It's Wayne Allen with

1 Southern California Edison. And we've reviewed the
2 DEIS, and we agree with the staff recommendations. We
3 agree with our Settlement Agreement. Everyone's worked
4 hard over the last seven years, over 400 meetings, I
5 believe, and it's been a long time. And we're looking
6 forward to license here next year. So we are in
7 agreement.

8 MR. FARGO: Sounds great.

9 THE COURT REPORTER: Can I get your name, again?

10 MR. PISTOR: Bill Pistor, P-i-s-t-o-r. I think
11 it should be on the record that Wayne Allen was promoted
12 to licensing manager for Big Creek, following the
13 departure of Jeff Raybone. So we have a new guy in
14 charge up there, of the licensing compliance activities.
15 I think we're pleased with that.

16 MS. MURRAY: We would clap louder if more people
17 were here. But you're going to have to settle for us.

18 I've ran out of things to tell you all. I mean,
19 I don't know what else, unless, you know, there's
20 something --

21 MS. WHELAN: Actually, I have one more. Jim,
22 this is Cindy Whelan.

23 MR. FARGO: Yes, Cindy?

24 MS. WHELAN: We were expecting that somebody
25 might come to comment on the store property management

1 plan and the PA, that's also out for comment. And it
2 appears nobody has. But the Forest Service would like
3 to encourage FERC to continue with the collaborative
4 effort. We've already discussed with Edison, and
5 encouraged them to continue with the collaborative
6 efforts in the completion of the Historic Properties
7 Management Plan and the PA meeting, section 106.

8 MR. FARGO: Okay. I guess there is some aspects
9 of the cultural plan that we've been hesitant to get
10 into, and try to finalize. You know it is -- you might
11 know it's our policy lately to try to finalize these.
12 But given where this one is at, we thought it might be
13 just a better approach just to go ahead in the
14 settlement sense, and try to finalize it after the
15 license.

16 MS. WHELAN: And we're okay with that, but we
17 would encourage you to use a collaborative approach in
18 finalizing the HPMP.

19 MR. FARGO: Okay.

20 MS. WHELAN: That's all.

21 MR. HJORTH: Jim, if you're still on the phone,
22 this is Doug. Our meeting was advertised from 1:00 to
23 4:00.

24 MR. FARGO: I'm still getting the buzzing in my
25 ear.

1 THE COURT REPORTER: Maybe you can stand over
2 here, like they did.

3 MR. HJORTH: I had one instance where someone
4 showed up at -- an hour and a half after the meeting was
5 advertised to have begun, and were quite concerned that
6 we had adjourned the meeting before the advertised end
7 time. That creates -- it might be a similar situation
8 here, where a person representing the tribal interests
9 may show up later. I'm not sure how we deal with that.

10 MR. FARGO: I would just go ahead and adjourn the
11 meeting, at this point.

12 MS. MURRAY: We made it a full 30 minutes.

13 THE COURT REPORTER: Are we off the record?

14 MS. MURRAY: We're going to officially close.

15 MR. HJORTH: Well, we're off the record, but
16 we're getting our input from the court reporter.

17 (Off the record.)

18 MR. MURRAY: I think if ya 'all don't have
19 anything else to say right now, at least on the record,
20 we can go ahead and officially adjourn this meeting.

21 MR. HJORTH: Thank you for coming.

22

23 (Whereupon, at 1:37 p.m., the Draft
24 Environmental Impact Statement Meeting was concluded.)

