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UNITED STATES OF AMERICA  
BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION  
In the Matter of: )  
)  
SOUTH FEATHER WATER AND )  
POWER AGENCY POWER PROJECT ) Project No.  
) 2088-068  
DRAFT ENVIRONMENTAL IMPACT )  
STATEMENT )  
\_\_\_\_\_)

PUBLIC HEARING

BOARD ROOM  
SOUTH FEATHER WATER AND POWER AGENCY  
2310 ORO-QUINCY HIGHWAY  
OROVILLE, CALIFORNIA

TUESDAY, DECEMBER 9, 2008

The above-entitled matter came on for public hearing, pursuant to notice, at 7:05 p.m.

1 APPEARANCES  
2 John M. Mudre, Hearing Officer  
3 Federal Energy Regulatory Commission  
4 Fred Winchell, Senior Fisheries Biologist  
5 The Louis Berger Group, Inc.  
6 Contractor to Federal Energy Regulatory Commission  
7 Michael Glaze. General Manager  
8 Kathy Petersen, Power Division Manager  
9 South Feather Water and Power Agency  
10 Richard Jones  
11 Devine Tarbell and Associates, Inc.  
12 Consultant to South Feather Water and Power Agency  
13 Robin Dominguez  
14 Dominic Dominguez  
15 Hank Bailey  
16 Roger Bailey  
17 Nancy Bailey  
18 Mike Melanson  
19 Metropolitan Water District of Southern California  
20 Cheryl Mulder  
21 Plumas National Forest  
22  
23  
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## 1 P R O C E E D I N G S

2 7:05 p.m.

3 HEARING OFFICER MUDRE: I'd like to  
4 thank everyone for coming out tonight. My name is  
5 John Mudre; I'm with the Federal Energy Regulatory  
6 Commission. And we're here tonight to receive  
7 public comments on our draft environmental impact  
8 statement that we prepared for the proposed  
9 relicensing of the South Feather hydroelectric  
10 project, South Feather Power project.

11 This is what it looks like in the hard  
12 copy version. This year with this project we sent  
13 out mainly CDs instead of mailing everyone hard  
14 copies. The CDs look like this. I do have some  
15 extra CDs tonight if anyone wants one. And if  
16 anyone needs a hard copy I've got one here I can  
17 give away. Or when I get back to D.C. I can mail  
18 anyone that wants one, a hard copy.

19 Why don't we go around -- well, this is  
20 our agenda. We'll do a quick round of  
21 introductions. Briefly, again go over the purpose  
22 of why we are here. A brief history of the  
23 process of how we got to where we are today.

24 We'll talk a little bit about our  
25 analysis and our conclusions in the EIS. A brief

1 look at what happens next. And then we'll turn  
2 the floor over to public comment, anyone who wants  
3 to make comments on the EIS.

4 So, I think why don't we just jump right  
5 into it. Next to me is Fred Winchell. Fred's  
6 with The Louis Berger Group, and they are our  
7 support contractor for the preparation of this  
8 EIS. So it's Fred and his team worked with us to  
9 put this together. And the list of all the  
10 preparers is in the back of the document.

11 MR. WINCHELL: I was the Project Manager  
12 for the contract team, and aquatic resources area,  
13 also I covered in the EIS.

14 MR. GLAZE: You want to go around the  
15 room?

16 HEARING OFFICER MUDRE: Yes.

17 MR. GLAZE: Okay, I'm Mike Glaze, the  
18 General Manager of South Feather Water and Power  
19 Agency, and the Project Owner Licensee's  
20 representative.

21 MR. JONES: My name is Rick Jones. I'm  
22 with the firm Devine Tarbell and Associates. We  
23 are a consultant to South Feather Water and Power.

24 MS. PETERSEN: Kathy Petersen, the Power  
25 Division Manager of South Feather Water and Power.

1                   MR. BAILEY: Hank Bailey, a member of  
2                   the local public, and an observer of, and  
3                   interested participant in the times in the affairs  
4                   of the agency.

5                   MS. DOMINGUEZ: My name is Robin  
6                   Dominguez. I'm a resident of Little Grass Valley  
7                   Reservoir, LaPorte.

8                   MR. DOMINGUEZ: Dominic Dominguez,  
9                   Robin's husband, resident of the Little Grass  
10                  Valley on the lake.

11                  MR. MELANSON: Mike Melanson,  
12                  Metropolitan Water District of Southern  
13                  California.

14                  HEARING OFFICER MUDRE: Okay, well, I  
15                  broke one of my own ground rules. What I should  
16                  have mentioned to you is that we've got the two  
17                  microphones here and they're connected in with the  
18                  court reporter's system. And if you're not real  
19                  near a mike she may not be able to accurately get  
20                  down what you say. So, from now on when we talk  
21                  we'll talk into a microphone and not from the  
22                  other side of the room.

23                  But I think she got everyone's name on a  
24                  paper, so, I apologize for that.

25                  Okay, so Federal Energy Regulatory

1 Commission, an independent agency that regulates  
2 electric power, natural gas, oil pipelines and the  
3 hydroelectric industry, at least the nonfederal  
4 portion of it.

5 Composed of five Commissioners that are  
6 appointed by the President, and confirmed by the  
7 Senate. And the President chooses which one gets  
8 to be the Chairman.

9 So we, and my staff, we're staff to the  
10 Commission. So we work for them and provide them  
11 advice in these types of matters.

12 Do you have a question?

13 MR. BAILEY: How do you wish to handle  
14 this? I have a question on the first item up  
15 there. Do you want me to refrain till later on?  
16 Or, progressively as we go, to ask questions?

17 HEARING OFFICER MUDRE: I figure we'll  
18 do it --

19 MR. BAILEY: You're the MC.

20 HEARING OFFICER MUDRE: Right. It'll  
21 probably go more smoothly if I get through my  
22 stuff, and then you can have as many, you know,  
23 raise your questions whenever you want to. And we  
24 can go back to slides if we need to.

25 MR. BAILEY: All right.

1 HEARING OFFICER MUDRE: Is that okay?

2 (Pause.)

3 MR. WINCHELL: Walk up to the microphone  
4 and introduce yourself.

5 HEARING OFFICER MUDRE: Yeah, we just  
6 got through with introductions, so now would be a  
7 good time.

8 MS. MULDER: I'm Ms. Frazzled.

9 HEARING OFFICER MUDRE: It doesn't --

10 MS. MULDER: That's it? That's it, oh,  
11 okay.

12 HEARING OFFICER MUDRE: Yeah.

13 MS. MULDER: My name is Cheryl Mulder,  
14 C-h-e-r-y-l M-u-l-d-e-r, Plumas National Forest.

15 HEARING OFFICER MUDRE: We were just  
16 finishing up with introductions, so if you guys  
17 want to come up and introduce yourselves.

18 MR. BAILEY: Apologize for --

19 MR. WINCHELL: Roger, they actually want  
20 you to go to a microphone and introduce yourself,  
21 for the sake of the court reporter. That's why  
22 we're doing it into the microphone.

23 MR. BAILEY: Okay. I'm Roger Bailey;  
24 and this is my wife, Nancy, here with me. And  
25 that's my dad, Hank, right there.

1                   We're residents of Oroville and we are  
2                   in the District. And we are customers of the  
3                   District and supporters of the District.

4                   Is that adequate?

5                   HEARING OFFICER MUDRE: Thank you.

6                   Sure.

7                   Okay, so within the Federal Energy  
8                   Regulatory Commission it's the Office of Energy  
9                   Projects that administers the hydropower licenses.  
10                  We have one division that does the licensing,  
11                  which is the group that I'm in. One that does  
12                  compliance and administration, which basically  
13                  takes care of, oversees the license once it's  
14                  issued. And we have a dam safety and inspections  
15                  division that makes sure that all the dams are  
16                  operated safely; and public safety is a big  
17                  consideration.

18                  Our office is in Washington, D.C. We  
19                  have five regional offices that mainly have  
20                  engineers in them. And the one that oversees this  
21                  project is in San Francisco.

22                  Okay, so tonight what we want to do is  
23                  receive oral, and if you have written comments,  
24                  too, you can give them to us tonight. But we'll  
25                  tell you how you can mail those in, and what to do

1 with that later on.

2 Agencies, nongovernmental organizations  
3 and the interested public. So definitely anyone  
4 who's here tonight and wants to say something,  
5 we'd like to hear it.

6 Okay. Just a quick overview of how we  
7 got here. South Feather filed their license  
8 application in March of 2007. In May of 2007 we  
9 issued what we call scoping document number one,  
10 which listed what we thought were the issues that  
11 needed to be looked at in our environmental  
12 analysis.

13 We also accepted the application and  
14 sent out a notice requesting motions to intervene  
15 and any protests for people that wanted to get  
16 involved in the proceeding.

17 In June of 2007 we had a site visit up  
18 here, and we had two scoping meetings. And I know  
19 that a lot of you people were at some of those  
20 scoping meetings, I recognize the faces and it's  
21 good to see you again.

22 February 2008 we issued what we call SD-  
23 2, scoping document two, which basically the  
24 scoping document one revised in light of the  
25 comments we received on scoping document one. So

1       it was sort of an updated version of what we  
2       thought the issues are after looking at the public  
3       scoping comments, you know, both the written and  
4       oral ones.

5                At that time in February 2008 we issued  
6       our ready for environmental analysis notice, REA  
7       notice. Basically says that we have the  
8       information that we need to begin our  
9       environmental analysis.

10              And at that time we also requested  
11     preliminary recommendations and terms and  
12     conditions from the various resource agencies,  
13     which they then submitted.

14              And sort of a new twist, or it's not new  
15     anymore, but within the last I guess since 2005,  
16     the Energy Policy Act gives the licensees an  
17     opportunity, if they don't like some of their  
18     preliminary terms and conditions that were  
19     submitted, they can submit alternatives to those  
20     mandatory conditions that the agencies have to go  
21     back and look at and evaluate; and decide whether  
22     those alternatives would be equally as effective  
23     in resource protection as the one that the  
24     agencies came up with originally. And that  
25     process is continuing.

1                   Okay, so getting to recent times. In  
2 November 2008 we issued our draft EIS here for the  
3 South Feather project. At the same time we  
4 requested concurrence from the Fish and Wildlife  
5 Service that Endangered Species Act listed species  
6 are not likely to be adversely affected by  
7 relicensing of the project, as proposed.

8                   And we sent letters to the California  
9 Fish and Game and the National Marine Fisheries  
10 Service in response to their terms and conditions  
11 that they proposed and that we analyzed in the  
12 EIS. And notified them of some that we thought  
13 may be inconsistent with some provisions of the  
14 Federal Power Act.

15                   And so we will be working with them over  
16 the next couple of months to try to resolve those  
17 and come up with some, maybe some revised or  
18 tweaked recommendations that we could incorporate  
19 into the, you know, maybe into the final EIS, and  
20 subsequently into the license.

21                   Okay, which brings us to tonight,  
22 December 2008, we're holding meetings on the draft  
23 EIS. Of course, this one that we're all at. But  
24 we also have one tomorrow, same place, 10:00 in  
25 the morning. So if you want to come back for

1 more, you'll be welcome.

2 Okay. Just about winding up here. The  
3 National Environmental Policy Act, or NEPA,  
4 requires that federal agencies need to conduct an  
5 independent analysis of environmental issues  
6 associated with any discretionary acts that they  
7 take.

8 And in this case the discretionary act  
9 is a relicensing on the project. And so NEPA  
10 requires that we take a hard look at these  
11 effects. And that's what the scoping was part of,  
12 and the EIS, the final EIS is pretty much the  
13 culmination of that environmental review and  
14 compliance with NEPA.

15 We have to consider the water quality --  
16 we don't just look at the power generation, we  
17 have to look at water quality, fish and wildlife  
18 values of the waterways equally with electric  
19 energy and other developmental values of the  
20 resources.

21 We have to give strong consideration to  
22 the terms and conditions provided by the resource  
23 agencies. And some agencies have mandatory  
24 conditioning authority, the Water Board and the  
25 Forest Service. And their recommendations, when

1 we get to the end of things, would need to be  
2 included in any licenses issued. We can't even  
3 issue a license without water quality  
4 certification from the State Water Board, too.  
5 That's an important part.

6 Our conclusions and recommendations in  
7 the EIS are based on the public record for this  
8 proceeding, for the project. And that's been  
9 developed through the public meetings we had,  
10 through Debi's work with the court reporting, and  
11 everything that's said tonight again will be,  
12 there will be transcripts made available. You can  
13 see Debi on how to get them. And eventually  
14 they'll be put up on our FERC website. They can  
15 be gotten there, as well. But if you need to get  
16 them sooner, talk to Debi later tonight.

17 So, the D-EIS and ultimately the F-EIS  
18 serves to inform the five Commissioners' decision  
19 in the relicensing proceeding. Basically the  
20 decision is, you know, whether and under what  
21 conditions a new license should be issued for the  
22 project.

23 Okay, I'm going to turn it over now to  
24 Fred, and Fred's going to briefly go through what  
25 we did in the EIS. And then we'll get to the

1 public comment.

2 MR. WINCHELL: The EIS looks at four  
3 different alternatives. One is the proposed  
4 action as proposed by South Feather in their draft  
5 license application -- or in their final license  
6 application. And also including several of the  
7 revised 4E measures submitted by the Forest  
8 Service that South Feather indicated they were  
9 will to consider as part of their proposed action.

10 The second alternative is the staff-  
11 recommended alternative, which is the proposed  
12 action that's proposed by South Feather with some  
13 additional measures recommended by staff.

14 Third is the staff-recommended  
15 alternative with agencies' mandatory conditions.  
16 That includes the mandatory conditions, the 4E  
17 conditions from the Forest Service or any fish-  
18 prescriptions that would be issued.

19 And the fourth alternative on the screen  
20 is the no-action alternative, which would be to  
21 continue operating the project as it is under the  
22 terms of the current license.

23 I have two slides that were some of the  
24 key issues that we had to look at in the EIS. One  
25 of the central issues was the minimum flow

1 requirements for five different bypass reaches.  
2 There are a number of tradeoffs involved in this  
3 issue that ties into some of the other flow-  
4 related issues.

5 One of the main considerations is the  
6 minimum flow that would be appropriate to enhance  
7 conditions for trout species and for some of the  
8 warm water fish species in downstream reaches.  
9 And also to maintain habitat for the Foothill  
10 yellow-legged frog, which is a state-protected  
11 species.

12 One of the tradeoffs for increasing the  
13 minimum flows in the reaches is that it also  
14 depletes storage in some of the reservoirs,  
15 including Little Grass Valley Reservoir, which  
16 results in lower reservoir levels and can have  
17 impacts on recreation including access to boat  
18 ramps for boating.

19 Also increasing the minimum flows  
20 reduces the amount of water that's available for  
21 other uses, including high-flow releases for  
22 recreational boating.

23 So we had to look at four different sets  
24 of flow recommendations. We looked at the flows  
25 that South Feather proposed in their final license

1 application. And then Cal Fish and Game and the  
2 Forest Service both came in with alternative flow  
3 regimes. All those flow regimes varied by season  
4 and by water year for all five reaches. And then  
5 South Feather filed a alternative to the Forest  
6 Service's 4E condition.

7 And so we considered all those different  
8 flow regimes in the EIS. We ended up recommending  
9 the alternative, or South Feather's alternative 4E  
10 flow as representing the best balance in the  
11 tradeoffs between fish habitat, power generation  
12 and the reservoir levels and maintaining flow for  
13 whitewater releases.

14 The flow levels -- also one other factor  
15 to consider is effect on water temperatures. And  
16 the releases from the Little Grass Valley and Lost  
17 Creek Reservoir are a deep release, and they're  
18 quite a cold release. And if the large minimum  
19 flow release is made, it has a significant effect  
20 on water temperatures downstream.

21 And our analysis indicated that at times  
22 at a high minimum flow release the water  
23 temperatures could be below optimal for trout.  
24 Also below optimal for some of the warm-water  
25 trout, the fish species downstream.

1                   I guess the last issue on the water  
2                   temperature was looking at effects of releases  
3                   from the downstream power house on the lower  
4                   Feather River.

5                   Other issues we looked at were fish  
6                   entrainment. Cal Fish and Game made  
7                   recommendations for fish screens on all the  
8                   project diversions. We had to consider the  
9                   benefits to the fisheries resource and the cost of  
10                  that measure.

11                  We also looked at an alternative measure  
12                  that the Forest Service proposed which was for a  
13                  wild fish stocking program, which would be based  
14                  on monitoring of the fish populations. If there's  
15                  any indication of a reduction in fish populations  
16                  that there was not enough recruitment, that they  
17                  could replace those fish with a stocking program.  
18                  And that's the program that we ended up  
19                  recommending instead of fish screens. It's a much  
20                  more cost effective way to maintain the fisheries.

21                  There were also a number of proposals  
22                  for monitoring, to look at the effects of any  
23                  changes in flow regime on fish,  
24                  macroinvertebrates, and foothills yellow-legged  
25                  frog. There were fairly similar proposals made by

1 South Feather and by the Forest Service and Cal  
2 Fish and Game. And we adopted sort of a blend of  
3 those three recommendations.

4 For recreation facilities South Feather  
5 proposed substantial support for operation and  
6 maintenance and for refurbishing of recreation  
7 facilities. And we added on a recommendation for  
8 a couple of other measures that the Forest Service  
9 had recommended.

10 And finally, for cultural resource  
11 protection, and archeological resources, we  
12 adopted South Feather's proposed historic and  
13 properties management plan, with, again, some  
14 additional measures that had been recommended by  
15 the Forest Service.

16 HEARING OFFICER MUDRE: Okay, thank you,  
17 Fred. We're pretty much through this. The FERC  
18 website, [www.ferc.gov](http://www.ferc.gov), if you go to that you can  
19 get a lot of information about this project. The  
20 entire public record is available in what we call  
21 our elibrary.

22 But if you go to [www](http://www). -- well, that's  
23 not right.

24 MR. WINCHELL: We missed the --

25 HEARING OFFICER MUDRE: -- should be a

1 dot between the www and the ferc there, but  
2 anyway, go there and you can sort of work your way  
3 through. It's fairly self explanatory. But if  
4 you have any problems with it, there's a number  
5 there to call or you can call me or email me, and  
6 I can try to help you out with it.

7 And this information is all in the  
8 notice that we sent out about this meeting, too,  
9 so you don't need to write everything down.

10 Okay, what's coming up next? Comments  
11 on the D-EIS are due by January 6th of 2009.  
12 We're going to, as I mentioned earlier, going to  
13 hold some meetings with the National Marine  
14 Fisheries Service and Cal Fish and Game to work  
15 through some of the differences we have, or some  
16 of the problems we have with some of their  
17 recommendation. We haven't scheduled those  
18 meetings yet, but we hope to.

19 We're going to issue the final EIS June  
20 5, 2009. That's the schedule. After that it's a  
21 matter of getting the water quality certificate  
22 from the Water Board. And once we have that  
23 certificate the Commission will be ready to go  
24 ahead and act on the application, and issue an  
25 order, you know, whatever order they're going to

1 issue.

2 So that could be, you know, maybe three  
3 months or so after June, so, you know, maybe  
4 later, next summer, something like that.

5 Okay. These are numbers, and again, I  
6 think this information is in your notice. But  
7 I've got some extra copies of the CD here today.  
8 You can see me; I can get your name and send you a  
9 hard copy. Don't need to go through the  
10 reference, but you can if you want.

11 My number's (202) 502-8902, if you want  
12 to call me. My email is john.mudre@ferc.gov.

13 Okay, again, January 6th is the deadline  
14 for comments. And it's important to indicate on  
15 your comments if this is for South Feather Power  
16 project, project number 2088. And that makes sure  
17 that it goes into the elibrary in the right place  
18 and it doesn't get lost, so we can find it.

19 That's pretty much it. We did have a  
20 sign-up sheet around here somewhere. If you  
21 haven't signed one, you can do it now, you can do  
22 it after the meeting. We do have our court  
23 reporter here tonight. Her job is to get an  
24 accurate recording of everything here so we can  
25 have an accurate, construct an accurate record.

1       There will be transcripts.

2                   And we usually try to limit things to  
3       five minutes, but given the amount of people here  
4       tonight, we can probably go six --

5                   (Laughter.)

6                   HEARING OFFICER MUDRE:   So, you have  
7       plenty of time to say what you want to say  
8       tonight.

9                   And that's pretty much it.   We've got a  
10       map right up here.   This is also a map.   We can  
11       leave that up there, I guess.   And I think with  
12       that we can go ahead and open up the floor for  
13       public comment.

14                   Did you have anything --

15                   MR. WINCHELL:   No.

16                   HEARING OFFICER MUDRE:   So, who wants to  
17       go first?

18                   MR. BAILEY:   I will volunteer.   So,  
19       we're all victims --

20                   MS. SPEAKER:   Hank, you need to go to  
21       the mike.

22                   MR. BAILEY:   Pardon?

23                   MS. SPEAKER:   Go to the microphone.

24                   MR. BAILEY:   Oh, okay.   Thank you.   Take  
25       my little Pandora's Box here.   We're all victims

1 of our law-and-order system and participants of  
2 it, the benefits of it.

3 My name's Hank Bailey, and I prefer to  
4 be known as Hank Bailey. I have prepared  
5 statements which I would like to read into the  
6 record. And at the close of this I will give a  
7 copy to the scribe, and also to you, Dr. John and  
8 to you, Mike.

9 I prefer to be known as Hank Bailey. I  
10 regard myself as a forester. I am a user of the  
11 Agency water -- I'd better put my glasses on.  
12 Incidentally, I got halfway down the hill and  
13 discovered that I didn't have my reading glasses.  
14 In fact, the other way around, I had my reading  
15 glasses on and I couldn't see the road.

16 Anyway, I am a user of the Agency water  
17 distribution system, and interested observer of  
18 the monthly board of directors' meetings held by  
19 Agency management to inform the board and the  
20 public of the status of operational conditions,  
21 activities and requests of approval of technical,  
22 fiscal and legal matters.

23 I am not -- I cannot be elected to the  
24 board because the previous owner of my real estate  
25 declined the opportunity in the 1920s to be a

1 member of the District when the Oroville Wyandotte  
2 District, OWID, was organized.

3 The OWID Miller Hill ditch traverses via  
4 a right-of-way across the north boundary of my  
5 real estate.

6 For those of you who may not be fully  
7 aware of the background for this meeting with  
8 FERC, the team from Washington, and the South  
9 Feather Water and Power Agency, I have a brief  
10 summary of those events.

11 The Agency evolved through legislation  
12 and political action affecting the use of Feather  
13 River water since the 1850s. The community of  
14 Oroville used the water for mining, domestic and  
15 agricultural purposes. And ultimately, the  
16 generation of electrical power.

17 The U.S. Congress, prior to 1959,  
18 established an environmental resource protection  
19 law that created the Federal Environmental  
20 Resource Commission, now known as FERC.

21 The Commission, upon duly filed  
22 application by the District, issued a license in  
23 March of 1959 to OWID for 50 years to continue  
24 distribution and utilization of the South Fork  
25 Feather River water.

1                   The OWID, now the South Feather Water  
2 and Power Agency, was authorized by act of the  
3 State of California in 2004, to be an agent of the  
4 state and continue water distribution to the  
5 Oroville area.

6                   The benefits to the community were  
7 paramount, and are for employment, water at  
8 reasonable rates and a reduction in the fiscal  
9 costs of operation by the Agency.

10                  The current license expires in March of  
11 2009. The Agency has been deeply involved for the  
12 past five years to prepare an application to FERC  
13 for relicensing. The application had to be in an  
14 electronic format prescribed by FERC.

15                  The management of this activity by the  
16 Agency -- and incidentally, throughout the rest of  
17 this recitation I'll be referring to South Feather  
18 as the Agency. The management of this activity by  
19 the Agency was time-consuming and costly due to  
20 the need to involve a consultant, qualified by  
21 experience and background, in presenting  
22 operational and technical data to FERC. The  
23 impact on the Agency's revenue to date is over \$5  
24 million and rising.

25                  In March of 2008 a CD was presented to

1 FERC in Washington by the Agency for a relicense  
2 that contained photos, graphs, maps, tables, text,  
3 financial forecasts on a copyrighted CD of 167  
4 pages. The CD supported the request form document  
5 -- it's probably something that was torn off a pad  
6 -- for a relicense issued to the Agency.

7 As a frequent observer of Agency  
8 activity I was given a copy of their submitted CD.  
9 In early November of 2008 I received a CD from  
10 FERC titled, draft environmental impact statement,  
11 known as an EIS.

12 As the volume and detail of both CDs is  
13 quite extensive my initial review was rather  
14 cursory and confined to the overall structure of  
15 the data.

16 I discovered -- yes, I did -- I  
17 discovered on the later review of the CDs that to  
18 my surprise and astonishment, when reading and  
19 analyzing the FERC CD and the Agency CD, that the  
20 FERC Staff, consisting of 19 well-qualified  
21 persons.

22 And I want to add a statement at this  
23 point because we all deal with government, none of  
24 my comments are intended to be focused on any  
25 particular person. I'm talking about our system.

1                   Okay, so we talked about the people that  
2                   you have on your team, John. All this was done at  
3                   taxpayer expense. They had redefined and  
4                   repeatedly stated mandatory cooperation with other  
5                   governmental agencies. Expanded reporting of  
6                   compliance, and calendar times for submittal to  
7                   FERC of observed technical and performance data.

8                   And made comments on the Agency's annual  
9                   upgrading plans.

10                   The net result was the draft EIS of 367  
11                   pages. In my view this was overkill by revising  
12                   the Agency-provided, copyrighted data. The draft  
13                   EIS would not have been possible without the  
14                   technical data and cooperation provided by a  
15                   state-mandated agency.

16                   I have been unable to locate a credit to  
17                   the Agency for providing that data which  
18                   contributed to the creation of the micromanaging  
19                   draft EIS.

20                   The Oroville community sorely needs the  
21                   relicense for economic and quality of life  
22                   reasons. If the draft EIS is a required  
23                   stipulation of federal oversight for a license  
24                   performance, the Agency will probably have no  
25                   alternative but to increase their personnel roster

1 and possibly their water distribution rates. All  
2 due to the increase of workload, required  
3 investigations, observations of quality, quantity  
4 and detail of reports by their staff.

5 I do agree with the FERC Staff's  
6 recommended statement on page 1-9 of the cover  
7 sheet of the EIS and R&N, that the relicense  
8 should be issued prior to 2009.

9 Respectfully submitted, myself. Thank  
10 you for your time. And I'll give copies of these  
11 to people, as I have mentioned.

12 HEARING OFFICER MUDRE: Thank you, Hank  
13 Bailey.

14 (Pause.)

15 MR. BAILEY: And I have one for the  
16 court scribe. And I hadn't previously given one  
17 to my son, but I'll give him one at this point.

18 And I have an extra file copy here that  
19 if you would like to have one.

20 So, thank you for your time and my  
21 inclusion in your proceedings. I did have a  
22 comment, though. I don't understand quite why  
23 your presentation up there, Dr. John, is an  
24 independent agency. I thought you were a  
25 government agency.



1 flow increases within Little Grass Valley  
2 Reservoir, themselves.

3 I can live with the additional two days  
4 of the Pancake Bay flooding, of not being there  
5 for the two days as prescribed by South Feather  
6 Water and Power versus the Forestry's situation on  
7 a dry water day when it actually reverted back to  
8 the 1800s, before the dam. So those are just some  
9 of my basic concerns and questions on that.

10 The other portion, at what point in time  
11 does the increased flows for whitewater flow  
12 purposes for benefits of recreation down the  
13 whitewater, at what point in time does it benefit  
14 the maybe a lesser amount that may benefit by  
15 keeping a little bit more of that water into the  
16 reservoir for recreational activities to extend  
17 beyond the September range.

18 And I know it gets a little bit  
19 concerning with, you know, about September  
20 releases for the 15th. And then you go into a  
21 little bit more, because I believe in the  
22 documentation that's when the whitewater activity  
23 really is more popular at that point in time, with  
24 the releases.

25 One thing I've noticed, as being a

1 resident there, that there's been quite a bit more  
2 activity with the lake occupation, with people  
3 coming in and using the lake more readily for  
4 fishing and so forth. Even though that it is down  
5 lower than, you know, because of the dry year.

6 So, is there any steps, and not to put  
7 into more action for having more personnel trying  
8 to keep track of this, but at what point in time  
9 is there a better benefit to maybe not have as  
10 much release to extend the water use and keep the  
11 minimum flows later on in the year for reservoir  
12 use versus for just recreation and whitewater  
13 rafting downstream.

14 Is there any type of a head count that's  
15 nominally used? We did see some go by this year,  
16 you know, but I wasn't really paying attention,  
17 sitting out on the street counting them.

18 But it just didn't seem to be -- it  
19 seemed like to me I seen more activity on the lake  
20 than I did see in the actual river, itself.

21 So those are just my basic concerns that  
22 I have, you know, with respect to the  
23 finalization. And that when you decide to make it  
24 on June 5th, as your final document, I believe  
25 that's something that we have to live with.

1                   HEARING OFFICER MUDRE: Right. Well,  
2                   let me go ahead and maybe address this briefly.

3                   The starting point was the application.  
4                   We took the application; we got comments from the  
5                   public, comments from the agencies. And then in  
6                   our environmental analysis here, we tried to make  
7                   sense of things and do our balancing; look at, you  
8                   know, if you do this here what does that do over  
9                   here.

10                  And so, you know, then we try to strike  
11                  a balance between the different uses. And that  
12                  comes out as our staff alternative. That's what  
13                  staff recommends to the Commission that gets done.

14                  But the thing is with the agencies like  
15                  the Forest Service that has a mandatory  
16                  conditioning authority, regardless of what we  
17                  think if it's on their land they can tell us what  
18                  the list has to say with respect to what happens  
19                  on Forest Service land. So these are the 4E, the  
20                  mandatory 4E conditions. And we don't have any  
21                  discretion to change those.

22                  So we don't know, you know, until we get  
23                  the final 4E conditions what the license is going  
24                  to look like. And then after that it's up to the  
25                  Commission, you know, to decide on whether to

1 issue a license and with what conditions, with the  
2 caveat that they can't disregard 4E conditions.

3 So, we don't have complete control over  
4 what ends up in the final license.

5 MR. BAILEY: Can I follow up with a  
6 question?

7 HEARING OFFICER MUDRE: Let her change  
8 tapes and then come up to the mike. Can you come  
9 up to the mike, the microphone?

10 MR. BAILEY: Oh, okay, sorry. I was  
11 just going to follow up with a question --

12 HEARING OFFICER MUDRE: Well, that's  
13 fine. We want to make sure we get it down, so  
14 just introduce yourself and then you can ask --

15 MR. BAILEY: Roger Bailey. Sorry. And  
16 as I previously described myself. Your comments,  
17 Dr. John, just sparked a question.

18 When you said that you didn't know fully  
19 what the license would look like, is there another  
20 group of people that are writing the conditions of  
21 the license?

22 HEARING OFFICER MUDRE: No. What I  
23 meant to say is at this point we don't know what's  
24 going to be in the license. There's a timetable  
25 for the Forest Service to come back with their

1 final 4E conditions.

2 Again, what they filed originally was  
3 their preliminary conditions. And I mentioned the  
4 process by which the licensee can file proposed  
5 alternative conditions that then the Forest  
6 Service has to look at and evaluate.

7 Then they also look at what we put in  
8 our environmental document to see whether, you  
9 know, they still like their preliminary  
10 conditions, or maybe they want to change it to  
11 something else that may be closer to ours, maybe  
12 farther away. We don't know.

13 But at some point when they file those  
14 conditions, you know, we have a good idea of if  
15 they are valid 4E conditions that they're going to  
16 end up in a license if a license is issued.

17 So, at the time the license is written  
18 obviously we know what's going in it because it's  
19 the Commission that writes and decides what's  
20 going to be in the license. So at that point, you  
21 know at some point, otherwise we couldn't write  
22 the license.

23 MR. BAILEY: Okay. So, am I correct,  
24 you are the representative of that Commission  
25 then, at this stage?

1                   HEARING OFFICER MUDRE: We advise the  
2 Commission. The whole purpose of this is to  
3 advise the Commission as, okay, well, you know,  
4 should this project be licensed. And if it  
5 should, you know, what conditions should be  
6 associated with that license.

7                   Again, we recommend conditions in here,  
8 but some, for example, some of the preliminary 4E  
9 conditions we didn't recommend. We recommended  
10 they not be done. We do that in here, it's called  
11 the staff alternative.

12                   But then we recognize that the 4E  
13 conditions and the water quality certification  
14 conditions are mandatory, and they would need to  
15 be included in any license that was issued. And  
16 that alternative we call the staff alternative  
17 with mandatory conditions.

18                   But if we're going to issue a license  
19 and there are mandatory conditions that have to be  
20 in it, you know, that's mandatory is mandatory.  
21 So we can't, we don't have any discretion to not  
22 include them.

23                   But again, right now, until they file  
24 the final ones, we don't know. But we analyze the  
25 preliminary ones, we analyze what we have when

1 they submitted them.

2 And so that's sort of how it works. And  
3 then we'll get the final ones before we do our  
4 filing of the EIS here. So we'll be able to  
5 consider the final -- yeah, hopefully -- we'll be  
6 able to consider the final 4E conditions in our  
7 filing of the EIS.

8 I hope that answers your question.

9 MR. BAILEY: Yeah, I think it pretty  
10 generally did. I -- just trying to understand the  
11 process from the perspective of all the  
12 information that the South Feather funnels through  
13 you. And then it goes out to the Commission. And  
14 the Commission works on it and renders a decision  
15 and the conditions and the caveats that come back.

16 HEARING OFFICER MUDRE: Yeah, pretty  
17 much. Again, --

18 MR. BAILEY: So what I was getting at is  
19 that this --

20 HEARING OFFICER MUDRE: -- the starting  
21 point is what they send to us. We ask for  
22 comments --

23 MR. BAILEY: So is there a --

24 HEARING OFFICER MUDRE: -- on it.

25 MR. BAILEY: Okay.

1 HEARING OFFICER MUDRE: We got  
2 recommendations from the various agencies. We  
3 consider all those, and then we make a  
4 recommendation to the Commission. And then they  
5 do their thing, they act on it in the manner they  
6 see fit.

7 MR. BAILEY: I see.

8 MR. WINCHELL: This is our draft  
9 document, and this comment period is --

10 HEARING OFFICER MUDRE: Yeah, and the --

11 MR. WINCHELL: -- you know, if you feel  
12 like we didn't get something right --

13 HEARING OFFICER MUDRE: Yeah.

14 MR. WINCHELL: -- there's additional  
15 information you think does support, you know, a  
16 different measure or an alternative, if you file  
17 it, it --

18 HEARING OFFICER MUDRE: Yeah.

19 MR. WINCHELL: -- will become part of  
20 the record and even likely to be considered by the  
21 Forest Service.

22 HEARING OFFICER MUDRE: Yeah, and even,  
23 yeah, I mean it's not a done deal at this point.  
24 This is what we got now, but we're here tonight to  
25 hear what you have to say. And these comments

1 will be taken into account as we go to the final.  
2 So it's good to bring these things up. It's good  
3 to have these meetings.

4 MR. BAILEY: Okay, thank you.

5 HEARING OFFICER MUDRE: You're welcome.

6 MR. BAILEY: I was going to speak, also,  
7 separate and apart from this. Is it okay for me  
8 to proceed at this point?

9 HEARING OFFICER MUDRE: Sure.

10 MR. BAILEY: Okay. Again, I've  
11 introduced, so --

12 HEARING OFFICER MUDRE: As long as  
13 you're there.

14 MR. BAILEY: -- I'll proceed. And I  
15 recognize the importance of the process.  
16 Certainly decisions of this magnitude, relicensing  
17 a body that has the important responsibility that  
18 it has, both to the environment, but certainly to  
19 the community, be looked at periodically. Every  
20 50 years, I think, is a very reasonable process.  
21 So, I want to acknowledge that and stress my  
22 understanding of the importance of it.

23 The one thing that I sort of touched  
24 lightly on it previously at a meeting that  
25 occurred where you were presiding. And I touched

1 on the economic aspect to the community.

2 And dad, independently, while I haven't  
3 read his paper, kind of comes at it in the same  
4 direction I do. And that is that this operation  
5 is very important to the economic contribution  
6 that it makes to this greater area, that it has  
7 done, is doing, and I expect will do in the  
8 future.

9 So that kind of brings to mind what I  
10 would call the value proposition. And I don't  
11 know whether your group looks at a tradeoff  
12 between the caveats and points that are made in  
13 the license to what expense that poses to the  
14 District. So that's kind of a question, but still  
15 an issue I'm bringing up.

16 I think that's very important. It's  
17 definitely important in these times, okay. And  
18 I'm going to hit it from two points. Butte County  
19 is certainly not a wealthy area. The area that  
20 the District serves is not a wealthy area.

21 And now we are in tougher economic times  
22 than we've seen in probably something on the order  
23 of 70, 80 years. And my caution is that I think  
24 that there should be careful consideration with  
25 things that are imposed on the District, with a

1 tradeoff, good judgment, as to what expenses it  
2 poses on the District, or limitations it might  
3 pose on the District for it to be able to go  
4 forward and provide the water and power at the  
5 lowest possible prices, without having to burden  
6 it with great overheads.

7 And to not restrain it from what it  
8 might be able to do in the future, with some  
9 growth in this area.

10 And those are general statements, but I  
11 would hope that -- and I come back to the  
12 question, does FERC look at, in the relicensing  
13 process, the economic tradeoffs that might come  
14 about impacting the community that this District  
15 serves. Either positive or negative.

16 HEARING OFFICER MUDRE: I'll interrupt  
17 you just long enough to say definitely we do.

18 MR. BAILEY: Okay.

19 HEARING OFFICER MUDRE: And we've got  
20 tables in here for all the various recommended  
21 measures; we estimate the costs of them and look  
22 at those costs and compare the costs with the  
23 benefits. So we definitely take it into  
24 consideration.

25 MR. BAILEY: Okay. Well, anyway, I'm a

1 supporter of the District, and I hope the judgment  
2 comes down to relicense the District at the lowest  
3 possible expense, given there's already been a lot  
4 of money spent.

5 Thank you.

6 HEARING OFFICER MUDRE: Do we have  
7 anyone else that wants to provide comments this  
8 evening?

9 MR. DOMINGUEZ: I just want to do a  
10 little followup from my last statements.

11 HEARING OFFICER MUDRE: Your name,  
12 again?

13 MR. DOMINGUEZ: Dominic Dominguez.  
14 Since the FERC is doing the recommendations, and  
15 then the final outcome is still unknown, should  
16 the residents of Little Grass Valley Reservoir not  
17 concur with the final EIS, is there options for  
18 litigation or any other measures to change the  
19 values of that?

20 HEARING OFFICER MUDRE: Well, the best  
21 thing would be, you know, to get the comments, get  
22 their feelings known now in terms of what they  
23 think the new project should look like. You know,  
24 comments on this, comments on various measures.

25 But I think you may be going like the

1 next step. Tell me if I'm wrong, but you're  
2 saying what recourse might the residents up there  
3 have if a license is issued that you don't really  
4 like. Is that basically the question?

5 MR. DOMINGUEZ: Yes, and basically it  
6 revolves around the concerns of the minimum flows  
7 and keeping, you know, an adequate amount of water  
8 within the reservoir.

9 HEARING OFFICER MUDRE: Okay. There's  
10 two points to make there. One is we can issue a  
11 license, but the licensee has an opportunity to  
12 not accept it if they don't like the terms that  
13 are in it. So they can decide not to accept a  
14 license.

15 The other option they have, and other  
16 people have, too, people that have intervened in  
17 the proceeding, people that are intervenors, if  
18 they don't like the outcome, say they don't like  
19 the license, they can file with the Commission a  
20 request for a rehearing of the license order.

21 And that's to stop litigation, per se,  
22 but it's another proceeding whereby the Commission  
23 may, you know, revisit what they did and can come  
24 out with another different decision in the  
25 license.

1                   Beyond that, if you don't get the  
2 results you want there, there still is the  
3 opportunity of, you know, court litigation after  
4 that.

5                   But you have to be an intervenor in the  
6 proceeding to request a rehearing. And I think  
7 you also have to be -- not a lawyer -- involved in  
8 that process before you can go into federal court  
9 to contest it in court.

10                   MR. DOMINGUEZ: Okay. Thank you.

11                   HEARING OFFICER MUDRE: So if you  
12 envision, you know, getting down the road and not,  
13 you know, -- and thinking that, well, if we don't  
14 like it we can sort of appeal the licensing, you  
15 can, but you have to make sure you file a motion  
16 to intervene.

17                   And we requested those early in the  
18 process. But there's also a period after we issue  
19 the D-EIS where you can, once you see sort of  
20 where things might be heading, you have another  
21 opportunity to intervene. So you may want to  
22 consider that if you haven't before, if you think  
23 that, you know, there's any possibility down the  
24 road that you might want to become a party and  
25 have the ability to apply for rehearing.

1                   So you might want to consider, you know,  
2                   intervening at this stage. Because if you wait  
3                   till the very end there may not be another  
4                   opportunity to do it, or the bar is set a lot  
5                   higher to be allowed to intervene late than it is  
6                   now.

7                   MR. DOMINGUEZ: Okay, so will we receive  
8                   a second draft to the EIS, should the South  
9                   Feather's 4E conditions aren't considered by the  
10                  other government agencies?

11                  HEARING OFFICER MUDRE: Typically we'll  
12                  do the draft EIS, and then we'll do the final EIS.

13                  MR. DOMINGUEZ: So, what I'm trying to  
14                  figure out is at what point in time do I have this  
15                  intervention.

16                  HEARING OFFICER MUDRE: I think it's --  
17                  I could double-check, but I believe it's during  
18                  the comment period.

19                  MR. DOMINGUEZ: During the comment  
20                  period.

21                  HEARING OFFICER MUDRE: So before  
22                  January 6th.

23                  MR. DOMINGUEZ: Okay, so it's before  
24                  January 6th.

25                  HEARING OFFICER MUDRE: Yeah.

1                   MR. DOMINGUEZ: Okay. So at what point  
2 in time will you know if the government agencies  
3 are adamant about not choosing the staff  
4 alternative?

5                   HEARING OFFICER MUDRE: Well, we don't  
6 know until we have -- until we see, you know,  
7 their revised 4E conditions. I don't know if  
8 Cheryl can tell us tonight, you know, if they have  
9 a schedule for that, or if they don't have a  
10 schedule.

11                   So, it may, you know, it's probably  
12 unlikely that it's going to be before January 9th.  
13 So if you think the possibility exists, you know,  
14 go ahead and intervene now while you can. And  
15 then if it turns out, you know, they do come at  
16 you later on, then you won't have to do anything  
17 more. But if they don't, then you're in a  
18 position to be able to ask for a rehearing of the  
19 license order if it contains something you don't  
20 like.

21                   MR. DOMINGUEZ: Kind of like putting the  
22 cart in front of the horse. I mean basically I'm  
23 looking to get some direction as far as what may  
24 be the final outcome of these government agencies,  
25 but yet --

1 HEARING OFFICER MUDRE: Well, we don't  
2 know what that is, is the thing.

3 MR. DOMINGUEZ: -- and then maybe after  
4 the opportunity to intervene, then at what point  
5 in time, where's my statute of limitations in  
6 order to do so.

7 HEARING OFFICER MUDRE: Yeah, well, I  
8 think the best --

9 MR. DOMINGUEZ: And what information do  
10 I have to cite against?

11 HEARING OFFICER MUDRE: Well, you don't  
12 have to cite against anything. You can look at  
13 our regs or you can talk -- I'm sure there's  
14 people around here, but a motion to intervene, you  
15 don't have to say exactly what it is you don't  
16 like.

17 You just have to state what your  
18 interest in the proceeding is, you know, you have  
19 a legitimate interest in the proceeding. And then  
20 there's some certain rules you have to follow  
21 after that. But during, you know, during times  
22 when it's open for intervention, it's a very low  
23 bar to become an intervenor to a proceeding.

24 So you don't have to -- you just have to  
25 say what your interests are, and how your interest

1       could be affected by the licensing of this  
2       project.

3                 So, in your case, you're, you know, or  
4       someone says, you know, we're homeowners.  If  
5       they, you know, do hydro minimum flows our lake's  
6       going to be dry.  And so you sort of build a case  
7       that you do have a legitimate interest in this  
8       proceeding, and you should be allowed to  
9       participate in it fully.  And that fully would  
10      include the ability to ask for a rehearing of the  
11      decision that you didn't like.

12                MR. DOMINGUEZ:  One other item.  
13      Information within the documentation, this is  
14      pertaining to the trail around the lake.  It's  
15      stated in there that there's approximately 13.5  
16      miles of trails.

17                And maybe this is not the right place to  
18      do it, and maybe this is just --

19                HEARING OFFICER MUDRE:  Exactly the  
20      right place to do it.

21                MR. DOMINGUEZ:  Okay.  It states in  
22      there that the trail is for use of foot traffic,  
23      bicycle traffic and horse traffic.  A  
24      contradiction to that, the trail easement along  
25      the private property owners is specifically for

1 foot traffic, and that is a deeded document.

2 HEARING OFFICER MUDRE: And so that  
3 would be, I mean we'll get this down, but if you  
4 have more specific information about that, like  
5 maybe a copy of the deed or something more  
6 explanatory, you can file it, you know. You can  
7 just mail it in as --

8 MR. DOMINGUEZ: Okay, I can mail it in,  
9 as far as a reference --

10 HEARING OFFICER MUDRE: Yeah, mail it  
11 in. That way we can make sure --

12 MR. DOMINGUEZ: -- document, okay.

13 HEARING OFFICER MUDRE: -- it gets into  
14 the record.

15 MR. DOMINGUEZ: Or can I just pass it  
16 off to you tonight?

17 HEARING OFFICER MUDRE: If you want, if  
18 that's easier for you.

19 MR. DOMINGUEZ: Okay.

20 HEARING OFFICER MUDRE: And that way we  
21 can make the correction in the final EIS.

22 MR. DOMINGUEZ: Okay, thank you.

23 HEARING OFFICER MUDRE: Anyone else?  
24 Hank Bailey.

25 MR. BAILEY: As you said, John, the EIS

1 document is a draft.

2 HEARING OFFICER MUDRE: This one is.

3 MR. BAILEY: Does the imply that there  
4 will be another review of it by scientific  
5 technical people that are maybe more qualified  
6 than we local residents are, to take a look at it?

7 Because, as I was going through it, I  
8 found that there's a lot of extensive discussion  
9 on items that maybe were kind of superfluous to  
10 the interests of the Agency.

11 And maybe they're just kind of, in my  
12 previous business we called boilerplate, that were  
13 stuck in there because it kind of looked like that  
14 was an appropriate point.

15 But I guess what I'm trying to say is  
16 there's a discussion in there about the Sierra  
17 Nevada Batholith. Well, I don't think the Agency  
18 is concerned at all about Sierra Nevada Batholith.

19 And at the same time, there's a  
20 discussion about this seismicity of the lake. And  
21 certainly those items would be of major concern to  
22 a FERC review probably of DWR application for a  
23 license.

24 But, you know, -- and then there was a  
25 mention in there of a concern about the coastal

1 environment, whether that impacted it or not. And  
2 the coastal environment is a concern of the State  
3 of California, for five miles inland, as you  
4 state. But why have that in your 367 pages?

5 HEARING OFFICER MUDRE: Because it would  
6 only be 267 --

7 MR. BAILEY: You know, and then the  
8 first thing --

9 HEARING OFFICER MUDRE: -- if we  
10 didn't --

11 MR. BAILEY: -- you know, why we're  
12 going to be talking about the making the coast  
13 range rise and, you know, we're all going to be  
14 out of business.

15 HEARING OFFICER MUDRE: No, I can answer  
16 your question. Two things. One, we're charged to  
17 do an independent review of their proposal.  
18 That's one thing. And to do that we have to  
19 comply with all the various laws, including  
20 Coastal Zone Management Act, all these different  
21 things.

22 So we have to discuss how what's being  
23 proposed either does apply or doesn't apply. How  
24 these various laws apply or don't apply, you know,  
25 to this situation.

1           The other thing is that we're not just  
2 charged with looking at for what's best for South  
3 Feather Water and Power Agency. But we have to  
4 consider the broader public interests.

5           So, although they may not have an  
6 interest in certain things, other segments of the  
7 public may have lots of interest in these things.

8           And so if the project can affect these  
9 other interests we need to look and see what that  
10 linkage is, and, you know, what could be done,  
11 what should be done, that sort of thing.

12           So we have to take a little broader view  
13 than, I guess, you certainly think that we need  
14 to.

15           MR. BAILEY: I suppose it could be  
16 called a familiarization process for the people  
17 who will actually release the license to the  
18 Agency.

19           HEARING OFFICER MUDRE: I guess, yeah.

20           MR. BAILEY: Okay.

21           HEARING OFFICER MUDRE: Anyone we  
22 haven't heard from yet want to talk?

23           MS. MULDER: I'll just make a -- this is  
24 weird, it doesn't say anything.

25           HEARING OFFICER MUDRE: Your name? You

1 don't have to get too close to that one. You just  
2 have to be near it.

3 MS. MULDER: Okay. Cheryl Mulder,  
4 Plumas National Forest, Hydropower License  
5 Coordinator.

6 And I just want to thank you for coming  
7 out here. I know it's -- you're very welcome,  
8 your being here.

9 The Plumas National Forest is reviewing  
10 your draft environmental impact statement. I have  
11 no specific comments tonight. They will be on  
12 time, written, and turned in on time by January  
13 6th.

14 I'd also like to thank the South Feather  
15 -- say this right, South Feather Water and Power  
16 Agency for submitting the alternative conditions.  
17 Those are also being reviewed. The 4E conditions  
18 are regional forester decision. And he submitted  
19 the preliminary conditions, the alternative  
20 conditions and the staff's recommendations will  
21 all be considered by the regional forester in the  
22 Washington Office.

23 And a decision as to what the final 4E  
24 conditions will be, will be made independently of  
25 the comments on the D-EIS. And that timeline is

1 being worked on, your timeline just showed up just  
2 recently. So, that kind of sets things rolling  
3 for everybody else.

4 HEARING OFFICER MUDRE: All right, thank  
5 you, Cheryl.

6 Before I forget, I want to thank Mike  
7 and South Feather Water and Power Agency for  
8 providing us the great facilities here tonight.  
9 It's a nice room and I wish I had a big screen  
10 like that in my house. One of these days.

11 Anyway, back to the meeting. Anyone  
12 else have any comments, questions? If not, we can  
13 all go home.

14 MR. SPEAKER: Well, you can't because  
15 you have to come back tomorrow.

16 HEARING OFFICER MUDRE: Well, my home  
17 away from home.

18 Anyway, I want to thank everyone for  
19 coming, then. I think we got some good  
20 information tonight. We're looking for more  
21 tomorrow.

22 And, again, if you have any questions on  
23 how to comment, look at your notice. I think it  
24 also says in the EIS, but you can also give me a  
25 call, catch me after the meeting here tonight, or

1 send me an email. I'll try and help you out.

2 (Whereupon, at 8:15 p.m., the public  
3 hearing was adjourned.)

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CERTIFICATE OF REPORTER

I, DEBORAH L. BAKER, an Electronic Reporter, do hereby certify that I am a disinterested person herein; that I recorded the foregoing Federal Energy Regulatory Commission Public Hearing; that it was thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said hearing, nor in any way interested in outcome of said hearing.

IN WITNESS WHEREOF, I have hereunto set my hand this 11th day of December, 2008.