

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

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

- - - - - x Project No. 503-048
:
IN RE: :
:
SWAN FALLS HYDROELECTRIC PROJECT :
:
- - - - - x

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Public meeting held on February 11, 2009, 9:09 a.m.

Doubletree Hotel Riverside
2900 Chinden Boulevard
Boise, Idaho 83714

Reported by
Patricia J. Terry, CSR, RMR, CRR
CSR No. 653

♀

1

A P P E A R A N C E S

2
3 FOR THE STAFF
4 FERC
5 Jim Puglisi
6 Nick Jayjack
7 Joe Adamson
8 888 First Avenue NE
9 Washington, DC 20426
10 (202) 502-6241
11 THE LOUIS BERGER GROUP
12 Ellen Hall
13 Ken Hodge
14 Jean Potvin
15 Fred Winchell
16 75 Second Avenue, Suite 700
17 Needham, MA 02494
18 (781) 444-3330
19 MERIDIAN ENVIRONMENTAL, INC.
20 Eileen McClanahan
21 1900 N. Northlake Way, Suite 211
22 Seattle, WA 98103
23 (206) 522-8282
24
25

♀

3

1 BOISE, IDAHO
2 Wednesday, February 11, 2009, 9:09 a.m.

3

4 MR. PUGLISI: We're going to start. We'll

5 see if people show up. We'll have them sign in
6 when they come in and we'll just go along. Once
7 again, my name is Jim Puglisi. I'm with the
8 Federal Energy Regulatory Commission or FERC, and
9 I want to welcome you all to the scoping meeting
10 for the Swan Falls Hydroelectric Project
11 relicensing which is project No. P-503-048.

12 Here's our little agenda for this
13 morning. We're first going to do a couple brief
14 introductions of the people up front here, talk
15 about a few FERC procedures and the project
16 schedule, and then we'll talk briefly about the
17 purpose of the scoping, why we're here. Then
18 we're going to have Idaho Power give a brief
19 description of the project features and proposed
20 operations, along with the proposed environmental
21 measures. Then we'll have a list of the resource
22 issues that we've identified, the preliminary list
23 we identified in the scoping document. We'll go
24 over that list. Then we'll open up the floor for
25 comments that anyone has or questions.

♀

4

1 First with the introductions, once
2 again I'm Jim Puglisi with FERC. I'm the project
3 coordinator. I'm also a civil engineer by
4 background. With me from FERC is Nick Jayjack,
5 who is a fishery biologist, and Joe Adamson, who's
6 a recreation planner, land use, aesthetics.
7 We've also contracted this project with

8 The Louis Berger Group, and with us today is Ellen
9 Hall, who is the project coordinator; Ken Hodge,
10 who's out there who's taking names, he's a civil
11 engineer with developmental analysis and
12 hydrology; Fred Winchell, who's fisheries; Eileen
13 McLanahan, who's terrestrial resources; and Jean
14 Potvin, who's with recreation.

15 The only handout we have today is the
16 Scoping Document 1, which I believe most of you
17 already have, but there's a copy of it out on the
18 table. If you haven't picked it up, you can look
19 at that. Also there is the registration form that
20 you've been filling out a lot of those, signing
21 your name. We appreciate that. That's for the
22 records. As you can see, we have a court reporter
23 here who's documenting this meeting, and
24 everything that's said here will be put on FERC's
25 record. And it will be online in a couple weeks,

♀

5

1 and it will be under the project number.

2 So I just want to talk to you briefly
3 about the FERC website. I believe most of you are
4 familiar with it. But there's a lot of good
5 hydropower information on there. If you go on the
6 first page under "Industries, Hydropower," you'll
7 find a lot of information about the licensing
8 process.

9 For this project we're using the
10 traditional licensing process. But there's two

11 things I want to bring -- I think most of you are
12 aware -- but I'd like to bring up to you is FERC's
13 eLibrary service and the eSubscription service.
14 eLibrary is our online record system that all
15 information that's issued by FERC or submitted to
16 FERC is put into eLibrary. And all under the
17 project number or docket number of P-503. There's
18 hundreds if not thousands of documents that are
19 filed on a daily basis. So when you're looking,
20 you make sure you put in the project number or
21 you'll be getting a lot of information.

22 Also there is the eSubscription
23 service. That's something you can sign up for
24 that will automatically send you an e-mail. You
25 sign up for this project under P-503 and you'll

♀

6

1 receive an e-mail for any document that is issued
2 in eLibrary. The e-mail will come to you along
3 with a link that will link directly to the
4 document. So that's a very helpful process.

5 I just want to quickly go over the
6 schedule here, make sure everyone knows where we
7 are in the process in this TLP. The license
8 application was filed on June 26, 2008 by Idaho
9 Power. We reviewed it and accepted the
10 application in December. Early December we
11 accepted the application. And then we issued a
12 scoping document SD1 on January 9th. That's the
13 one that we have here at the table.

14 Where we are right now, we're right now
15 at the scoping meetings, and yesterday we had the
16 site visit. The next important step here is that
17 the comments, any comments you have on Scoping
18 Document 1 or any comments that come up from today
19 or any other comments you want to provide as part
20 of the scoping process is due on March 13th of
21 this year, 2009. And I just want to remind you
22 that they're due at 5 p.m. Eastern time. After
23 that they're considered late. Just so you're
24 aware, that will be 3 o'clock your time here.
25 Further down the schedule here we'll

♀

7

1 issue an SD2 if necessary. Then we'll issue a
2 notice. After that we'll issue a notice that the
3 application is ready for environmental analysis.
4 At that point we'll give you another opportunity
5 to add comments. And then once that's done, that
6 deadline is in August. Then this fall we will be
7 working on the draft EIS, and that will be -- that
8 tentatively is issued to be -- it's tentative that
9 it will be issued in February of 2010. Once that
10 comes out, you'll have a chance to comment on that
11 again before the final EIS comes out. From there
12 the commission will look at it for an order.

13 Just briefly, the purpose of scoping,
14 the National Environmental Policy Act or NEPA and
15 FERC regulations and other laws require
16 evaluations of environmental effects of any major

17 actions such as licensing over our licensing of
18 hydropower projects. For this project we're going
19 to look at that through the preparation of an
20 environmental impact statement. And with that
21 impact statement, we're looking to identify issues
22 and concerns and address those. And we're doing
23 that through this scoping process.

24 So the types of information we're
25 looking for here in scoping is any significant

♀

8

1 environmental issues that you have, any other
2 studies in the project area that you're aware of,
3 information or data describing past and present
4 conditions of the project, and any resource plans
5 and future proposals that you're aware of. It's
6 important because we're back -- most of us are
7 back east or other parts of the country, so you're
8 more aware of the projects. So if you know of any
9 issues, it's good to bring them to our attention.

10 The way to do this to give us comments
11 is today we're going to have an open discussion
12 here at the end where you can give oral comments
13 or you can hand something in writing if you'd
14 like. You can also mail them in to FERC. Out on
15 the table there's -- the address for FERC is out
16 on this written comments, how to provide written
17 comments. The key thing there is that you need to
18 submit the original and eight copies of your
19 comments. So hopefully it's not a big report,

20 because it's kind of cumbersome. Also, it's
21 easier to file, if possible, to file
22 electronically with FERC.

23 Once again, like we said before, the
24 next step, the comments should be received by
25 March 13th, 5 p.m. Eastern time. And once again,

♀

9

1 this is a separate other thing, but there's a
2 paper copy at the table which is easier to take
3 with you.

4 I know I went through that very
5 quickly. I think all of you are very familiar
6 with the process. Does anyone have any questions
7 about the schedule or anything I've mentioned so
8 far? No. Okay. If not, I'm going to hand it
9 over to Chris. He's from Idaho Power. He's going
10 to talk about a brief description of the project
11 and the project operations.

12 MR. RANDOLPH: Thank you, Jim. Again, my
13 name is Chris Randolph from Idaho Power. I'm the
14 manager of the environmental department. I
15 appreciate the opportunity to comment today on
16 behalf of Idaho Power with regards to the Swan
17 Falls relicensing. It's been underway for a
18 number of years.

19 What I was hoping to do this morning is
20 do some brief introductions, talk about the
21 project overview for a little bit, and then
22 discuss real briefly the proposed protection,

23 mitigation, and enhancement measures that we have.
24 As far as introductions, I'd like to
25 introduce Angie Wood. Angie is our land

♀

10

1 management planner, been working on this effort.
2 Stephanie McCurdy is new to Idaho
3 Power, in our corporate communications department.
4 Appreciate your interest in this as well.
5 Mr. Roger Fuhrman, he's the manager of
6 the water management group.
7 Jon Bowling is here from the water
8 management group as well, and he'll be talking
9 about operations.
10 Brett Dumas is here. He's a supervisor
11 of our terrestrial group. Appreciate your
12 efforts, Brett.
13 Dwayne Wood is here. He is the
14 supervisor of our recreation group.
15 Jim Chandler is here. He's the
16 supervisor of our fisheries group. And I'll be
17 talking a little bit about some of the measures
18 these guys have proposed.
19 Ralph Myers is here as well. He is the
20 supervisor of the water quality group.
21 Fred Noland is here. He works with
22 Dwayne in the recreation group and has been
23 intimately involved with Swan Falls, as well.
24 So thank you guys for being here today.
25 Appreciate your efforts towards the relicensing of

1 Swan Falls.

2 Kind of moving on, Swan Falls Reservoir
3 is a fairly shallow, short, small reservoir, if
4 you will. In this slide I've kind of depicted
5 some of the features that are there, including
6 kind of the end of the motorized use or road
7 access below the project and also indicated where
8 the end of the inundation zone of the head end of
9 the reservoir is.

10 The Swan Falls project has a long
11 history. It was first constructed by the Trade
12 Dollar Mine way back in 1901, which is kind of
13 incredible to me that they can build this with
14 wheel barrels and hand labor basically. It wasn't
15 until 1910 that Idaho Power was created and took
16 over operation and ownership of the Swan Falls
17 project. And at that time there were only three
18 300 kilowatt generators for a total of 900
19 kilowatts, a fairly small project in today's
20 standards.

21 Today as you can see in this graphic,
22 there have been several changes to Swan Falls as
23 you can imagine over that 108 years. Most
24 recently Idaho Power basically reconstructed Swan
25 Falls in 1994 to its present state of just two

1 generating units designed specifically for the low
2 head at Swan Falls, capable of generating off
3 about 14,700 cfs for a total of 25 megawatts.

4 Again, fairly shallow reservoir. It's only 22 and
5 a half feet of head at that facility.

6 The reservoir, as I mentioned, is
7 fairly short. This is looking downstream. But
8 the reservoir inundation zone is only 12 miles
9 upstream from the dam. The dam is 1,218 feet
10 long. It's a concrete gravity and rock-filled dam
11 and also consists of 12 spillways.

12 Idaho Power has proposed as part of
13 this relicensing a comprehensive and integrative
14 PM&E package, and where we've been able to
15 integrate between the terrestrial resources and
16 the aquatic resources, I'll try to point out a
17 little bit as we go through these.

18 With regard to the recreation measures,
19 there are both existing measures that are underway
20 as well as new measures that are proposed at the
21 facility. I think during the site tour yesterday
22 we were pretty fortunate we were able to talk
23 about each of these measures there. And I think
24 that's what I'll say about that.

25 The land use and the aesthetics

♀

1 measures again really integrate the terrestrial
2 measures, including both botanical recreation
3 aesthetic issues in a comprehensive plan. These

4 measures that are listed here also flow into the
5 wildlife and botanical measures that are listed
6 next. Some of the additional things that are here
7 include weed control monitoring and reseeding of
8 habitats that we're going to try and exclude the
9 public from or manage the public from, and we'll
10 end up reseeding and rehabilitating those areas.
11 There are also nine target special species plants
12 in the area, and we'll be monitoring and avoiding
13 impacts to those populations.

14 The cultural measures are numerous. As
15 I mentioned, since 1901 the project has a long
16 history, and part of our cultural measures are to
17 preserve and interpret those histories associated
18 with Swan Falls.

19 Moving on to the aquatic measures,
20 Idaho Power has worked cooperatively with
21 conservation groups, regulatory agencies
22 developing a white sturgeon conservation plan.
23 Some of the details of that white sturgeon
24 conservation plan that apply to Swan Falls include
25 accessing the water quality impacts on early life

♀

1 history stages of white sturgeon, looking at the
2 potential for conservation of white sturgeon
3 aquaculture to bolster those populations below
4 Swan Falls. We'll also be conducting white
5 sturgeon population assessments, monitoring
6 genotypic frequencies of those fish below Swan

7 Falls, as well as monitoring resident fish
8 populations every five years associated with the
9 Swan Falls project.

10 For water quality measures, we'll be
11 working through the 401 process with the Idaho
12 Department of Environmental Quality. On June 6,
13 2008 Idaho Power requested 401 certification from
14 the Idaho DEQ, and we're anticipating a 401
15 certificate from that agency this year, June 6,
16 2009, which is the year that the DEQ has to
17 process that request for certification.

18 Also, with regard to water quality,
19 we're proposing to continue to remove aquatic
20 aquaphytes, and I think in the laydown yard down
21 there in Swan Falls yesterday we saw the results
22 of that collection, removal of that material. And
23 for example, in 2005 and 2006 the company removed
24 up to 5,000 cubic yards of plant material and
25 debris from the trash racks at the project.

♀

15

1 And in a nutshell real quickly, that's
2 the project that we've proposed to relicense.

3 MR. PUGLISI: Thank you very much, Chris.
4 Now I think we'll have a brief presentation from
5 Jon Bowling from Idaho Power about the new
6 operations and flows.

7 MR. BOWLING: Thanks. Yeah, my name's Jon
8 Bowling. I'm in the water management group. As
9 you all know, most of you know, I work for Roger.

10 I have for 15 years. Been a good place to be.
11 Anyway, I'm going to talk a little bit
12 about the operations. We are proposing to change
13 the operations slightly by looking at a minimum
14 flow of 3900 cfs. I am the supervisor of the
15 operations hydrology group. We're responsible for
16 streamflow forecasting, operational compliance
17 monitoring, and operations coordination,
18 navigation, things like that.
19 I have a little pointer here. That's
20 not it. Here we go.
21 Okay. Swan Falls operations. As you
22 know from Chris's presentation, Swan Falls
23 Reservoir is fairly small. We do a pretty good
24 job of operating in the top two feet of the
25 reservoir under normal operating conditions. And

♀

16

1 on a daily basis it's pretty much a run of river
2 project. In other words, there's not very much
3 storage. We can't store water and release water
4 on a seasonal basis. So we fill and draft the
5 reservoir on a daily basis.
6 Swan Falls has some limited ability to
7 re-regulate CJ Strike. CJ Strike is really the
8 load-following hydro project upstream. And CJ
9 Strike follows load, and Swan Falls generally
10 follows CJ Strike. Travel time from CJ Strike to
11 Swan Falls depending upon flows is 8 to 12 hours.
12 CJ Strike minimum flow is 3900 cfs. So we're

13 proposing 3900 cfs from April to October to kind
14 of help match up with that, and the next slide, to
15 match up with the state minimum at the Snake River
16 near Murphy.

17 Right now our current FERC minimum flow
18 is 5,000 cfs from April 1 through September 30 and
19 4,000 cfs from October 1 through March 31st. The
20 current state minimum Snake River near Murphy flow
21 is 3900 cfs which is October 1 -- or April 1
22 through October 30 and 5600 cfs from November 1 to
23 March 31st.

24 If the inflow is less than 5,000 in the
25 April 1 through September 30th period, what we do

♀

17

1 now is we hold the reservoir within the top four-
2 tenths of a foot and try to pass inflow, and we
3 refer to that as the gaging plant.

4 I'll show you some typical hydrographs
5 of how we actually operate Swan Falls. This isn't
6 day in and day out, but these are typical of what
7 we do. You can see -- here we go -- you can see
8 this is CJ Strike peaking here. This red line is
9 our load. So you can see that Strike fairly
10 regularly follows load. And this is during the
11 daylight hours during the 16-hour block of heavy
12 load. You can see that Swan Falls really is the
13 opposite. When Strike is down, Swan Falls is up.
14 This is a wintertime operation when we typically
15 have a double peak: One in the morning, one in

16 the afternoon. So you can see that here in
17 particular Swan is following Strike with that
18 travel time considered.

19 Next slide. This is the summer
20 operation. It's fairly typical. In the summer we
21 don't necessarily have that double peak because
22 it's just hot all the time. Air conditioners run
23 24 hours a day. But you can see that the same
24 thing occurs. Strike follows load. Swan Falls
25 follows Strike and typically has a trough when

♀

18

1 Strike is peaking.

2 Next slide. This is an operation of
3 the gaging plant. And it's in June of '07. You
4 can see that the flows are below, oh, 5,000, just
5 barely, but we play catchup with Strike. In other
6 words, you can't really determine what the exact
7 flow is going to be, so they can't release it. So
8 Strike will get full and they'll have to release a
9 little bit of water, and then it will get full and
10 they'll release a little bit of water.

11 So what happens is when Swan Falls
12 Reservoir is within the top four-tenths, you can
13 see there's quite a bit of variation in the
14 outflow because we're passing these little spikes
15 trying to adjust for them.

16 Next slide.

17 MR. ESCH: Jon, what's -- can you explain
18 the access again on that slide.

19 MR. BOWLING: The access?
20 MR. ESCH: Yeah.
21 MR. BOWLING: Okay. This is cfs over here
22 and this is load.
23 MR. ESCH: Oh, I get you.
24 MR. BOWLING: Yeah, I should have labeled
25 that a little bit better, but the red is the load,

♀

19

1 megawatts. And this is the cfs over here.
2 Okay. Now this was in the summer of
3 2007 and we were not on the gaging plan. Strike
4 was following load. And we had the ability to use
5 the reservoir. So the end result is that we were
6 actually able to flatten Swan Falls' flows out
7 quite a bit by being able to use it under
8 reasonably low flow conditions to re-regulate
9 Strike.
10 MS. HALL: So as compared to that
11 (indicating)?
12 MR. BOWLING: Compared to that. I think I
13 have the same scale on all of these, so you can
14 see that there's a couple thousand cfs variation
15 there, and here it's fairly flat.
16 Okay. Next slide. These are daily
17 average flows for Swan Falls from 1994 through
18 present. This line here would be the 5,000
19 minimum flow line. This is the 3900 line.
20 You can see that initially we started
21 the gaging plan in 1994, and you can see that we

22 only dipped below 5,000 probably starting in, oh,
23 maybe 2001.

24 Next slide. This table is kind of a
25 summary of all the times we were on the gaging

♀

20

1 plan. You can see that we did not go on the
2 gaging plan until 2001 at which time we were on
3 the gaging plan from June 19th through
4 September 12th, and we were on the plan 85 days.
5 23 percent of the year we were on the plan. The
6 number of times that the flow actually dropped
7 below 5,000 was zero. But we weren't all that
8 good at operating. We were a little nervous that
9 we were going to have a deviation, so we went
10 ahead and went on the plan. So our operators as
11 they call it had to white knuckle this operation
12 through this 85-day period, even though in reality
13 we didn't even have to do it.

14 So you can see various times as we have
15 gone through the years and most notably we've gone
16 on the gaging plan. Last summer we were on the
17 gaging plan for 18 days, 5 percent of the time.
18 We actually did dip below 5,000 17 times. What
19 we're asking is to be able to use the reservoir to
20 re-regulate Strike, maintain 3900 as our minimum
21 to coincide with the Strike minimum and the state
22 minimum.

23 Next slide. This is our minimum and
24 maximum headwater on a daily basis at Swan. You

25 can see after we first got the plant online back

♀

21

1 in the early '90s, we had quite a bit of
2 variation. We were over four-feet fluctuation a
3 lot of the time. Starting in about 2001 we got
4 quite a bit better at operating the project, and
5 we're pretty good at holding it within the top two
6 feet of the reservoir.

7 Next slide. This is sort of a
8 shortened version of that from 2000 to 2004. And
9 you can see that generally in this 2001-2002
10 period, we're within two feet, top two feet of the
11 reservoir. And these little parts here are when
12 we're on the gaging plan. So what we're asking is
13 that we're able to operate the project the way we
14 normally do most of the year in the summer months
15 when we have a low flow just to maintain
16 consistency and to actually help smooth those
17 flows out as they come out of Swan Falls.

18 I think the desired result of the
19 gaging plan never really did happen just because
20 the way it works. And after operating according
21 to the gaging plan for the last 15 years, we've
22 come to the conclusion that it would be better to
23 have that re-regulation capability under low flow
24 conditions.

25 And that's that. Questions? Great.

♀

1 MR. PUGLISI: Thank you very much, Jon.
2 Thanks, Chris, for the presentation on the project
3 operations. And also I want to thank you and the
4 rest of Idaho Power staff for the tour yesterday,
5 and we really appreciate the great weather you
6 gave us. Good timing on your part to give us a
7 nice sunny day. We appreciate it. It was very
8 informative. It was great to get out there to see
9 the project. Even though it was a very good
10 application and well written, it's also good to
11 see what's going on in person.

12 So our next step we're going to talk
13 about is we're going to go over basically the
14 effects that we see from this project and the
15 impacts that we've identified in the scoping
16 document. Ellen's going to go ahead and go
17 through and read through this list for each
18 resource area, and then we'll open it up for
19 comments.

20 MS. HALL: Okay. If you all don't mind, I'm
21 going to stay seated here so that I can do kind of
22 double duty. So in the Scoping Document 1, the
23 SD1, we note that the resources that we think
24 there may be some cumulative impacts where the
25 impacts of the Swan Falls project add to other

♀

1 existing or potential future influences on some of

2 the resources. And the resources we've identified
3 to date for looking at cumulative impacts includes
4 water quality, white sturgeon, and riparian
5 habitat. So one of the things that people can
6 comment on on the SD1 is whether or not they agree
7 that those are the correct resources for
8 cumulative impacts.

9 Now, then the resource issues that are
10 listed in SD1 -- and I'm going to go through these
11 briefly. They're the same things that are in the
12 scoping document as far as the resource issues:
13 Geology and soils, aquatic, terrestrial,
14 recreational, land use and aesthetics, cultural
15 resources, socioeconomics, and developmental
16 resources, which is the way we refer to the
17 project economics and the value of power compared
18 to the cost of operating the project.

19 So the issue with respect to geology
20 and soil is the effect of project operations and
21 maintenance, and that would be including the off-
22 road vehicle use that we saw yesterday on geology
23 and soils within the project area.

24 On aquatic resources, we're looking at
25 the proposed minimum flow and the ramping rates

♀

24

1 and the effects on water quantity and water
2 quality, particularly temperature and dissolved
3 oxygen; the effects of the proposed minimum flows
4 and ramping rates on aquatic resources; and the

5 effects of project operation on entrainment and
6 impingement of white sturgeon.

7 In the terrestrial resource area, we'll
8 be looking at the effects of project operation on
9 the riparian habitat downstream of the dam;
10 effects of project operation and project-related
11 activities on special status plants; and the
12 effects on the introduction and spread of noxious
13 weeds.

14 So you'll notice that a lot of the
15 issues that we're looking at track fairly closely
16 with the PM&E measures that Chris talked about
17 when he made his presentation on the measures you
18 all are -- that Idaho Power is proposing.

19 Additional terrestrial resources: The
20 effects of the project-related recreation,
21 including that off-road vehicle use on riparian
22 and wetland habitat and wildlife; the effects of
23 the transmission line operation and maintenance on
24 special status birds, and that would include the
25 benchland nesters, the cliff-nesting raptors, and

♀

25

1 the wintering raptors.

2 Threatened and endangered species: To
3 date it looks to us that there are no federally-
4 listed threatened or endangered species known to
5 occur in the project area or likely to be affected
6 by project operation.

7 Recreational resources: The adequacy

8 of the existing facilities and public access
9 within the project boundary to meet current or
10 future recreation demand. That would be for the
11 life of any new license that's issued. The
12 effects of project operations. That's especially
13 related to releasing water from the project
14 spillway on the downstream canoe portage trail.
15 And the effects of improvements and associated
16 recreational use on species of special concern,
17 such as the white sturgeon and the western
18 germander.

19 For land use and aesthetic resources:
20 The effects of the existing project-related
21 features on the natural landscape; the effects --
22 this one is kind of a standard that we also look
23 at for FERC -- the effects of continuing the
24 current policies for permitting piers, boat docks,
25 and other facilities on land use. Sometimes that

♀

26

1 is not actually a function of the project, but
2 that's a standard one we always look at.
3 Cultural resources: The effects of the
4 off-road vehicle use on historical and
5 archaeological resources; effects of the proposed
6 project on historic and archaeological resources
7 that are listed or considered eligible for
8 inclusion in the National Register of Historic
9 Places; and the effects of the proposed project on
10 traditional cultural properties if any exist in

11 the project's area of potential effects; and
12 finally, identification and development of
13 measures to resolve adverse effects on historic
14 properties and other potential National
15 Register-eligible cultural resources within the
16 project's area of potential effects.

17 Socioeconomics is an issue that we
18 sometimes look at which includes the effect of the
19 project on local, tribal, and regional economics.

20 And developmental resources: The
21 effects of the proposed protection, mitigation,
22 and enhancement measures; that is, the cost of
23 implementing those measures on project economics.

24 That's it for the resource issues we
25 would address in Scoping Document 1. So one of

♀

27

1 the things that people are invited to comment on
2 is whether or not that list of resources
3 encompasses all the resource issues that we should
4 be addressing in the environmental document.

5 MR. PUGLISI: Thank you very much, Ellen.
6 And now is the part where we're going to go ahead
7 and open up the mic. here for anybody who would
8 like to make any comment to put into the record.
9 We just ask that you state your name first to give
10 credit to whoever made the comment. Like I said,
11 these transcripts will be available in a few weeks
12 on the FERC's website.

13 So is there anyone who would like to

14 make any statements? Yes. We have somebody here.
15 Daniel, would you come up here so everybody can
16 hear you. Appreciate it.

17 MR. STONE: How's it going? My name is
18 Daniel Stone, D-a-n-i-e-l. I'm a natural resource
19 specialist for the Shoshone Bannock tribes, Fish
20 and Wildlife Department. The following are
21 technical comments. The tribes will be submitting
22 formal written comments via eFile.

23 The tribe's fish and wildlife
24 department works collaboratively with other
25 departments to protect the tribe's rights and

♀

28

1 interests both on and off the reservation. The
2 Snake River policy, our basic marching orders, is
3 that the tribes will pursue, promote, and initiate
4 efforts to restore the Snake River system and
5 unoccupied lands to a natural condition, which
6 includes restoration of those component resources
7 closely representing the ecological features of a
8 river and ecosystem. The tribes will protect,
9 preserve, and enhance rights reserved under the
10 Fort Bridger treaty and all inherent and
11 aboriginal rights.

12 As for the resources that were listed,
13 under aquatic resources, from a fisheries
14 perspective, hydro facilities present a fish
15 passage barrier, especially for resident fish.
16 What we'd like FERC to consider is any potential

17 impacts or ways to mitigate fish passage issues
18 for resident fish and particularly white sturgeon.
19 We would also like FERC to consider a reopening
20 clause should anadromous fish return to the
21 mid-Snake and come knocking on Swan Falls' door.

22 In terms of cultural resources, the
23 tribes would like FERC to ensure that adequate
24 mitigation for all impacts to cultural resources
25 and would like to work collaboratively with Idaho

♀

29

1 Power to identify any traditional cultural
2 properties.

3 In terms of terrestrial resources, we
4 would like FERC to consider potential impacts to
5 nesting raptors, especially on the outlying view
6 area. Thank you.

7 MR. PUGLISI: Thank you for your comments,
8 Daniel.

9 Anyone else that would like to speak?

10 MS. ROBERTSON: My name is Cindy Robertson,
11 and I'm representing the Idaho Department of Fish
12 and Game. I just wanted to add on the record
13 today that the department has a final white
14 sturgeon management plan, a state management plan.
15 We have filed a request with the secretary for
16 consideration of that plan as a comprehensive
17 plan. And a CD copy has been sent along with a
18 letter to the secretary. So we would ask that you
19 consider that in your review.

20 MR. PUGLISI: Thank you, Cindy. We have
21 received that. We'll look into that.

22 Are there any other comments or
23 questions?

24 MS. SMITH: Good morning. My name is
25 Carolyn Smith. I'm with the Shoshone Bannock

♀

30

1 tribes. I'm the cultural resource coordinator.
2 Along with what Danny Stone, Daniel Stone
3 mentioned is that we consider the whole Snake
4 River as traditional cultural property, and
5 therefore, all impacts that are associated with it
6 the Shoshone Bannock tribes are very interested in
7 that. We do have oral stories that relate to the
8 Snake River from its point of beginning to where
9 it continues up to the Columbia River and then out
10 to the ocean. And this is a very important river
11 because it did sustain -- it did sustain the tribe
12 and the tribal people throughout memorial (sic).
13 Thank you.

14 MR. PUGLISI: Thank you for your comments.
15 Are there any others? I do have one question for
16 Jon. This is regarding the response to our
17 deficiency talking about the change in project
18 operations over the generation. I'm sorry, I
19 don't have a handout to show everybody. It's just
20 kind of hopefully a straightforward question.

21 If you could just explain to me the
22 difference between the heavy load period and the

23 light load period. Because I noticed that the
24 change in flows, there's not a dramatic change in
25 generation overall, but I notice there's a shift

♀

31

1 from light load to heavy load. At different times
2 you're going to release that, or how does that
3 work? If you can just somehow explain that, I'd
4 appreciate it.

5 MR. BOWLING: When we did the economic
6 analysis and we used the CHEOPS model which we've
7 used in the past to look at maximizing generations
8 under both operational plans, which would be the
9 5,000 cfs minimum and the 3900 cfs minimum. The
10 CHEOPS model is a fairly aggressive model. It
11 tries to maximize generation at our unit, so
12 really if we were going to operate the Swan Falls
13 project in a load-following fashion, it's probably
14 the best model to determine what the difference is
15 going to be between a minimum flow operation.

16 The heavy load period is typically a
17 16-hour block, which is during daylight hours.
18 What happens when we change the operational
19 characteristics or the minimum flow is the model
20 tries to move more water into the heavy load
21 period, as much water into the heavy load period
22 as it can. And so it will change the volume of
23 water in the light load period and the volume of
24 water in the heavy load period. The hours of
25 heavy load and the hours of light load don't

1 change; it's just the volume of water that
2 changes.

3 We don't propose to operate the Swan
4 Falls project the way the CHEOPS model operates it
5 because it's fairly aggressive. So it was just a
6 good way to look at differences and to show that
7 there really isn't much of an impact between the
8 two. Is that --

9 MR. PUGLISI: Yeah, that's fine. We agree
10 there's not a big difference. I just notice that
11 shift, that there's more -- with the lesser flows,
12 there's more going to the heavy load, and just
13 wanted to know if that was any kind of -- would
14 there be any heavy releases that would impact the
15 ramping rates or something like that?

16 MR. BOWLING: It follows the same ramping
17 rates. I mean, all of the rules are followed the
18 same way, but because you can dip down to 3900, it
19 takes the difference between the 3900 and the
20 5,000, which is that small volume, and moves it
21 into that heavy load 16-hour block. So it's not
22 much water because it doesn't occur over a very
23 long period of time, but that's what the CHEOPS
24 model does.

25 MR. PUGLISI: Thank you very much. Are

1 there any other questions? Okay. Yes, Eileen.

2 MS. McLANAHAN: This is Eileen McLanahan,
3 M-c capital L-a-n-a-h-a-n. And I was just looking
4 at these resource issues we had identified, and
5 one of the ones that talks about project-related
6 recreation such as off-road vehicle use, we had
7 evaluating it the effects on riparian and wetland
8 habitat and wildlife. And after the site visit
9 yesterday I think it's safe to say we can expand
10 that a bit to evaluate effects on uplands as well.

11 MR. PUGLISI: Are there any other questions?
12 Is there anything we want to talk about today? I
13 was trying to get Nick's attention here to talk
14 about the project boundaries. You want to talk
15 about that now? No, okay. We talked about trying
16 to minimize the project boundary to be project
17 related as opposed to -- it just helps for future
18 monitoring of the project if the boundary's
19 smaller. I just want to put that on record.

20 Are there any other comments or
21 questions?

22 MR. JAYJACK: Nick Jayjack with FERC. I
23 have a follow-up question to Jon's answer to Pug's
24 question previously. Would it be safe to say that
25 the data you provided us, on the operations that

1 was generated by the CHEOPS model, does that
2 represent kind of a worst case scenario? I hate
3 to use the term "worst case." Maybe how I should

4 word it is that's the most efficient and most
5 aggressive you can operate?

6 MR. BOWLING: That's correct. If the CHEOPS
7 model were operating the Swan Falls project,
8 that's the most aggressive operation that we would
9 ever be able to do. And it is kind of a worst
10 case scenario.

11 MR. JAYJACK: So as a followup to that, then
12 I'm a little bit confused as to how you do propose
13 to operate. And as a followup to that, you showed
14 some operational graphs for -- the one that stands
15 out is the summer of 2007 graph -- as kind of
16 representative of summer operating conditions,
17 typical operating conditions.

18 Is that pretty much what your outflows
19 will look like on a daily basis going forward
20 under the new proposed minimum flow of 3900 cfs?

21 MR. BOWLING: Under low flow conditions
22 that's what I think. I mean, that's what we are
23 proposing. We had a lot of discussion internally,
24 and we looked at different operations. We looked
25 at how we had operated when we were near the

♀

35

1 minimum flow but not necessarily below 5,000. And
2 the general summer operation we are trying to
3 propose would have generally a flatter operation.

4 Now not to say that it won't fluctuate,
5 because again when you don't really know what the
6 flows are in the Strike and you're playing

7 catchup, and it's eight hours, we talked about
8 that yesterday where you have to really kind of
9 guess how much water's coming down, what you have
10 to do with the reservoir, but I think that is how
11 we're proposing to operate under the low flow
12 conditions in the summer.

13 MR. JAYJACK: So as a followup, it seems
14 like what you're trying to do, the goal is really
15 to flatten out the peaks and troughs that come out
16 of CJ Strike?

17 MR. BOWLING: During low flow conditions in
18 the summer, that is our goal.

19 MR. JAYJACK: Thank you.

20 MR. PUGLISI: Thanks. Anyone else? Okay.
21 Jim, yes, sir. Could you come up here just to
22 speak in the microphone. Doesn't reach back
23 there. We don't have wireless technology yet.

24 MR. ESCH: My name is Jim Esch, E-s-c-h. I
25 have a NEPA question and I kind of -- it goes back

♀

36

1 to all the big basin-wide NEPA documents that were
2 produced for all the relicensings for all the
3 power company projects extending all the way
4 upstream to I guess upper Salmon Falls and then
5 down through Hells Canyon. And this is the last
6 piece of the river where relicensing is occurring.
7 And my question is: Are you going to
8 tier off any of that basin-wide NEPA stuff or are
9 you going to be referring to that? I didn't hear

10 any mention of it at all in the scoping document.
11 And when you begin to -- when we scoped for the
12 basin-wide NEPA, Swan was I think included in that
13 geographic and temporal scope, so I wondered how
14 you were going to handle that, that is, the NEPA
15 compliance at this project and at basin-wide
16 sense.

17 MR. PUGLISI: Well, I'll try to answer that.
18 But I believe we talked about looking at the
19 cumulative effects, so we're going to be looking
20 at the other projects in this project in relation
21 to everything else and what impacts it may have.
22 I think we have a definitive answer or will have
23 an answer of what we believe the cumulative
24 effects will be and how far the impacts will be.
25 And you'll have a chance to comment on that to see

♀

37

1 if you concur or if we are pulling in enough other
2 areas or other reports to make sure our length of
3 effect is far enough long to satisfy you. Does
4 that answer your question? Anybody want to --

5 MR. WINCHELL: Yeah, this is Fred Winchell,
6 Louis Berger Group. I think our analysis will
7 utilize all the information that's on the record
8 for the other proceedings and sort of encompass
9 that information as appropriate to be able to
10 assist our assessment of cumulative effects for
11 this project. So in cases where we're looking at
12 the whole basin such as effects on water quality,

13 we will be considering the information that was
14 developed in those other proceedings.

15 MR. PUGLISI: This is not a standalone
16 project. We do realize it's with all the other
17 Snake River projects. Thank you.

18 Any other questions? Okay. Once
19 again, I believe everybody has filled out many
20 registration forms here. We appreciate your
21 getting your name down on the record.

22 Also, once again, I want to mention
23 comments are due on March 13th on the scoping
24 document and any other issues you want to bring up
25 including this meeting, anything you think of

♀

38

1 afterwards. You do that in writing. Also in the
2 scoping document you'll see my name and phone
3 number and e-mail. Please give me a call if you
4 have any questions about the project or eLibrary
5 or eSubscription or anything like that.

6 That's all I can think of for now.
7 Does anybody have anything they want to add up
8 front here? No. Well, thank you all very much
9 for coming. I appreciate it. And like I said,
10 just give me a call if you have any questions.
11 And at this point I think we'll go ahead and close
12 the meeting. Thank you very much.

13 (The meeting concluded at 9:58 a.m.)

14 -oo0oo-

15

16
17
18
19
20
21
22
23
24
25

♀

39

1 R E P O R T E R ' S C E R T I F I C A T E

2
3

4 I, Patricia J. Terry, Court Reporter, a
5 Notary Public, do hereby certify:

6 That I am the reporter who took the
7 proceedings had in the above-entitled action in
8 machine shorthand and thereafter the same was
9 reduced into typewriting under my direct
10 supervision; and

11 That the foregoing transcript contains a
12 full, true, and accurate record of the proceedings
13 had in the above and foregoing cause, which was
14 heard at Boise, Idaho.

15 IN WITNESS WHEREOF, I have hereunto set
16 my hand February 13, 2009.

17
18

19

20

21 Patricia J. Terry, Court Reporter

22 CSR No. 653

23

24

25

♀