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BEFORE THE

FEDERAL ENERGY REGULATORY COMMISSION

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IN THE MATTER OF: :

OVERTON LOCK AND DAM HYDROELECTRIC : Project No.

PROJECT : P-13160-002

- - - - - x

Sai Convention Center
2301 N. MacArthur Drive
Alexandria, LA 71301

Thursday, August 13, 2009

The above-entitled matter came on for scoping meeting, pursuant to notice, at 10:00 a.m., Lesley Kordella presiding.

1 PROCEEDINGS

2 (10:17 a.m.)

3 MS. KORDELLA: Okay, we're going to start then,
4 for you Jeff. Thank you for coming. Welcome to the scoping
5 meeting for the Overton Project. You've
6 already signed the sign-in sheet. That was great. And if
7 you picked up the maps up front, too -- okay, that's there
8 for anybody else that comes in. And the restrooms are down
9 the hall where all of the lawyers are.

10 Okay, next slide.

11 (Slide.)

12 MS. KORDELLA: You've already met everybody, but
13 again, I'm Lesley Kordella. I'm the coordinator for the
14 project. Caroline Templeton, on the team, working on all
15 things terrestrial, such as land use, cultural resources,
16 recreation resources. And Dr. John Mudre, who's our
17 fisheries and aquatic guy, and we have one more person who's
18 not here; that's Joe Hassell and he also does some aquatic
19 issues and engineering. And then you met the other
20 gentleman here earlier, Erik Steimle, Hasson (phonetic) and
21 Spencer.

22 So you've already been briefed on the ILP, I'll
23 just touch on some parts of that process and some key dates,
24 then Eric's going to take over and talk about the proposed
25 project. And then we're going to bring up the scoping of

1 issues. We're going to just touch on the environmental
2 issues that might be involved and then whatever comments or
3 questions you have, I'll bring the mike over there and you
4 can speak into it so our court reporter can catch it. Next
5 slide.

6 (Slide.)

7 MS. KORDELLA: I already mentioned the sign-in
8 sheets. And also, with the court reporter, if anybody --
9 when you have comment or you're answering a question, just
10 state your name very clearly into the microphone; otherwise,
11 the court reporter will not catch it -- and you might want
12 to spell your name, too or provide him with a card. And
13 then the transcripts from these meetings will be made
14 available on our e-Library, which is public record.

15 (Slide.)

16 MS. KORDELLA: You might have seen this slide
17 before in your earlier scoping meeting, but it's just a
18 diagram of how our hydropower division work together. We
19 have the Licensing Division where we review applications for
20 licenses and then ultimately issue a license for project and
21 there are the Compliance folks, which is where I came from
22 before I came to Licensing, and they deal with any of the
23 issues that would happen post licensing. And then there is,
24 of course, Dam Safety. And everybody, all three of these
25 divisions work with the licensees, the resources agencies,

1 other federal agencies, Tribes and GO or any other
2 stakeholder that might be involved. Next.

3 (Slide.)

4 MS. KORDELLA: You might have seen this slide,
5 too. But the ILP was created in 2003 and it's become a
6 default process sort of. But there are other two processes
7 that can be pursued and the ILP that was supposed to
8 identify a lot of information early on before the
9 application is even filed so that a lot of issues can be
10 worked out early on. And the ILP establishes really hard
11 deadlines that we have to stick to -- and that's sort of a
12 theme throughout the rest of the slides, so we'll go to the
13 next one.

14 (Slide.)

15 MS. KORDELLA: Again, with ILP there's pre-filing
16 and there's post-filing. Pre-filing, what we're doing now,
17 is the time it takes to get the filing of the application to
18 the time a license would be issued would be post-filing.
19 And the key date that they filed their Notice of Intent and
20 Pre-Application Document or PAD on June 16 and that document
21 -- you want to go to the next slide actually.

22 (Slide.)

23 MS. KORDELLA: They put together a lot of
24 relevant information -- environmental resources,
25 consultation with other agencies, other people and they put

1 it together in somewhat of a NEPA document. And I have it
2 up front here if you need a refresher or want to look at it
3 again. It sort of sets the stage for any future needs or
4 questions that might come out of it.

5 So scoping is what we're doing now -- last night
6 and today. That has to be done within 90 days of the NOI
7 and PAD. I'll just move on because you've seen a lot of
8 this stuff before.

9 (Slide.)

10 MS. KORDELLA: The next slide, Study Plan
11 Development has some important key dates on it. From here
12 until when the study plan determination is issued is the
13 study plan development and that starts off right now getting
14 comments back from the PAD, from these meetings, and then
15 putting those comments and any formal study requests in by
16 September 15 of 2009. And then Symbiotics would prepare
17 their proposed plans by October 30, and then we'd all get
18 together in a study plan meeting in early December.

19 And through this process, the study plans would
20 sort of become more refined and then we would issue or study
21 plan determination, which would approve or modify studies or
22 not approve studies on March 26, 2010. So from right now
23 until then is the sort of refining process of the study
24 plans for the project.

25 (Slide.)

1 MS. KORDELLA: And these are the study criteria
2 for the study plan requests. Have you seen these before?

3 MR. ARTMAN: Yes.

4 MS. KORDELLA: Okay. We're very big sticklers on
5 them, so be very familiar with them if you have any study
6 requests. Good. Okay. Let's see, the next part would just
7 be doing the studies for right after that determination is
8 issued. Assuming there are no disputes, the study plan
9 would begin in April of 2010 and then they would file their
10 first report after that year of studies in March of 2011 and
11 then their preliminary licensing proposal or draft license
12 application on April 18, 2011.

13 And then they'd file the application. I think
14 it's September 15, but that's further down in the slide.
15 And then we'd review it to see if there are any deficiencies
16 or anything, but there really shouldn't be any at this point
17 in the game. But assuming that everything's good and we're
18 ready to go, we would issue a notice that it's ready for
19 environmental analysis. And at that point we would then
20 solicit even more comments and more recommendations from
21 agencies --any conditions, some are mandatory. Next slide.

22 (Slide.)

23 MS. KORDELLA: We would then prepare an
24 environmental assessment for this project. And then we
25 would make any recommendations in that EA to the Commission.

1 And then a licensing decision would be made and that would
2 come in the form of an order. And seeing that you're a
3 little familiar with the ILP already, we'll just move to the
4 next slide and sort of reemphasize these key dates that the
5 ILP dictates in the process plan.

6 (Slide.)

7 MS. KORDELLA: So the study plan determination is
8 March 26 of next year, first year of studies is 2010 to
9 2011. The second year of studies are only done if it's
10 deemed necessary, and that would be decided after they file
11 their first year report. And then the preliminary license
12 proposal or the draft application would come in on April 18,
13 2011 and the actual license application on September 15,
14 2011.

15 (Slide.)

16 MS. KORDELLA: I know you've probably seen this
17 before, too. But the website is just for additional
18 guidance on the ILP, since it's a lot more than what is
19 presented in these slides.

20 One other thing that we're trying to do is create
21 implementable plans and that means that a lot of plans will
22 be required to be filed after license is issued. We're
23 trying to see if some plans can be approved up front when
24 the license is issued and they may be discussed in the order
25 itself. And some examples might be water quality monitoring

1 plans, standard plans, recreation plans, historic properties
2 management plans, shoreline management plans -- things that
3 can be approved more quickly in the license instead of
4 waiting that year or even sometimes two years if there is no
5 time to get it done. It reduces workload and sort of a more
6 efficient process for some plans, so keep that in mind, as
7 the process gets refined. And anything you can do for that
8 would be good.

9 (Slide.)

10 MS. KORDELLA: Okay, and now it's Erik's turn to
11 talk about the project.

12 MR. STEIMLE: My name is Erik Steimle. As Lesley
13 mentioned, I'm the director of Environmental Compliance for
14 Symbiotics, also the project manager for the Overton
15 Project. Also, with me is the project engineer with
16 Symbiotics, Spencer Umenski (phonetic) and then Hasson,
17 sitting here in the front, is the project manager from AES
18 Corporation.

19 So I have a short presentation about the proposed
20 project, broken it up into a few different categories.
21 First, I'll talk a little bit about the relationship between
22 the formal Applicant for this project, Red River Hydro, LLC
23 and Symbiotics and then I'll move specifically into the
24 project, talk a little bit about Overton Dam, the proposed
25 project features, operation; and then I'll discuss the

1 resource impacts that were identified in the preliminary
2 application document or what's commonly referred to as the
3 PAD. And then I'll go over an outline of the preliminary
4 list of environmental studies that have been proposed, at
5 least to date. And as Lesley mentioned, we're just now
6 getting to the real formal scoping process for those
7 studies.

8 And at the end, I'll provide you with some
9 contact information for our offices that will have licensing
10 staff working on the project and also a link to our website
11 where you find out more about our company and other
12 projects.

13 Red River Hydro, LLC is a jointly-owned company
14 by AES Corporation and Symbiotics, LLC. AES is a large
15 energy development corporation and Symbiotics is a
16 hydroelectric-specific development company. We are founded
17 to license, construct, and operate new hydroelectric
18 projects that could be considered both economically and
19 environmentally sound.

20 The primary way that we do that is to propose
21 what we call run-of-river retrofit projects and the proposed
22 project at Overton is just one of those projects. The
23 primary way we do this is retrofitting facilities, usually
24 federal facilities with a new hydro project, but we don't
25 store additional water behind that diversion for the

1 purposes of power generation. Whoever that operator is, in
2 the case, the Corps here they maintain their management of
3 the facility and actually dictate how much power we can
4 produce in our project. And by adopting this run-river
5 strategy, we keep in place that balance between navigation,
6 management and municipal and sometimes recreation and even
7 environmental interests that are in the management regime.

8 (Slide.)

9 I've just included a couple other pictures here
10 of some of our other projects on federal facilities. The
11 Dorena Dam Project you see there on the left is in western
12 Oregon. We received a license for that last year and it's
13 currently -- final engineering is ongoing. It's on a Corps
14 of Engineers' dam.

15 The Chester Dam you see on the right-hand side
16 that is an old Bureau of Reclamation dam that's in eastern
17 Idaho. It's currently under construction by Symbiotics.
18 And the Island Park facility you see in the center is our
19 oldest project. It was licensed and constructed in the
20 nineties. It's a Bureau of Reclamation facility and we've
21 been operating it now for over ten years and it's just
22 outside of Yellowstone National Park.

23 (Slide.)

24 MR. STEIMLE: Everyone in this room is probably
25 very familiar with that photo. That, of course, is Overton

1 Lock and Dam. It was completed in 1987. It is owned and
2 operated by the Corps. It's a concrete-fixed weir
3 structure, five tainter gates, one active lock and it's over
4 900 feet in length.

5 (Slide.)

6 MR. STEIMLE: The larger visual modification to
7 the facility will be the addition of the powerhouse
8 structure itself. We estimate at this point in time it'll
9 be approximately 200 x 90 feet in size. It will house the
10 new turbine units themselves. We've proposed four
11 24-megawatt capacity Kaplan turbine units. There will also
12 be the addition of a trash rack upstream of the proposed
13 powerhouse. At this point we propose 4-inch openings with a
14 maximum approach velocity of just under 2.5 cubic feet per
15 second.

16 (Slide.)

17 MR. STEIMLE: And finally, the installation of
18 new transmission lines at the project, right now we're
19 estimating just under 4 miles.

20 MR. ARTMAN: (Off mike.)

21 MR. STEIMLE: Feet per second.

22 MR. ARTMAN: (Off mike.)

23 MR. STEIMLE: Okay, that's a mistake.

24 MR. ARTMAN: (Off mike.)

25 MR. STEIMLE: Yes. I said there that it was 2.42

1 cubic feet per second. It should be feet per second and not
2 cubic feet per second.

3 MR. ARTMAN: (Off mike.)

4 MR. STEIMLE: Right.

5 MR. ARTMAN: (Off mike.)

6 MR. STEIMLE: Boy, that's a big mistake there.

7 MR. ARTMAN: (Off mike.)

8 MR. STEIMLE: Right. I think in the PAD it is 3.
9 You're correct.

10 MR. ARTMAN: (Off mike.)

11 MR. STEIMLE: Right.

12 MS. KORDELLA: Could you repeat those questions?

13 COURT REPORTER: Is this on the record or off the
14 record?

15 MR. STEIMLE: It should be on the record that
16 there's three turbine units, not four. I apologize.

17 COURT REPORTER: Are you going to say his name or
18 let him speak and say his name on the record?

19 MR. STEIMLE: Oh.

20 MR. ARTMAN: Jeff Artman.

21 MR. STEIMLE: Well, now that we've got those
22 mistakes out of the way, let's hope that there not any more.

23 (Slide.)

24 MR. STEIMLE: This is just a preliminary
25 engineering schematic of what the project would look like.

1 For those of you that were at the site yesterday, just for a
2 little reference, this is the public recreation area that we
3 met at in the morning right here. And we actually walked
4 down onto the diversion area where the proposed powerhouse
5 would sit. Everything you see in this slide that's
6 delineated in black is an existing feature and then what
7 we're proposing to add is delineated in red.

8 So again, the addition of the large powerhouse
9 structure right here on the south edge of the Red River and
10 you can see here in the illustration barely where the
11 powerhouse or excuse me, where the turbines would sit and
12 the new tailrace along the southern shoreline there. The
13 red line that you see moving off the left-hand side of the
14 screen delineates the proposed route of the transmission
15 line corridor.

16 As I mentioned before, we're proposing this
17 project in what we call a run-of-river fashion. So power
18 generation, again, will ultimately be dictated by the Corps
19 management of the facility. The graph that you see in this
20 slide illustrates median daily flows, over 18 years of
21 historical data from the Corps gauging station upstream.
22 I've got months of the calendar year on the "X" axis and
23 flow in the river and cubic feet per second along the "Y"
24 axis.

25 (Slide.)

1 MR. STEIMLE: And you can see from the graph here
2 that the high flows in the river are in the late spring
3 months; and conversely, low flows are in the late summer.

4 The project, the way it's proposed right now,
5 would utilize flows between 3,000 cubic feet per second or
6 just under that and flows up to 45,600 cubic feet per
7 second. And the red line that you see in the slide here
8 illustrates that top mark at 45,600 cubic feet per second.
9 I didn't include the lower mark just because you can see
10 how, based on the historical flow data, that flows rarely
11 get below 10,000 cubic feet per second.

12 So approximately 30 percent of the time, if the
13 project were built, you would see that the power plant would
14 be online. You would see flows exiting the new tailrace,
15 which you saw in the previous slide. And you would also see
16 flows coming out of the existing tainter gates, which we
17 witnessed yesterday when we were out at the project site.

18 COURT REPORTER: Tanker gates?

19 MR. STEIMLE: Tainter gates.

20 COURT REPORTER: Tainter gates?

21 MR. STEIMLE: I think it's T-A-I-N-T-E-R.

22 COURT REPORTER: Thank you.

23 MR. STEIMLE: And then conversely, approximately
24 70 percent of the time, based on this historical flow data,
25 all the water that normally be routed through the tainter

1 gates would be routed through the powerhouse and exit into
2 the river through our new tailrace structure. On average,
3 at this point in time, we're estimating the project will
4 produce about 250 gigawatt hours of electricity annually.

5 (Slide.)

6 MR. STEIMLE: Lesley talked a little bit about
7 the PAD. This is the list of resources that we reviewed in
8 the PAD. And it sounds like you're a bit familiar with
9 that, but it basically just serves as a type of baseline
10 environmental assessment of resources in the project area
11 and potential impacts on those resources. I won't go
12 through this whole list right now, but we can come back and
13 talk about some of this at the end, but it includes
14 socioeconomic, cultural, and also environmental resources.

15 And again, as mentioned, part of scoping today is
16 not only to get comments, but also to find out additional
17 resource information and potential impacts that we may not
18 have included in the PAD.

19 (Slide.)

20 MR. STEIMLE: This is the preliminary list of
21 proposed studies that are proposed by the Applicant. It's
22 by no means the final list. All of the studies that you see
23 on this list were mentioned in the PAD with the exception of
24 the mussel survey. And we'll be working over the next month
25 or so to put together complete methods and specific

1 timelines for each of these studies.

2 I'll just go through them briefly, and again, we
3 can come back and talk in more detail afterwards. We are
4 proposing a wetland determination. There are vast areas of
5 jurisdictional wetlands in the project area to ensure the
6 project doesn't displace jurisdictional wetlands. An
7 aeration-monitoring plan is proposed. And I should say that
8 some of these are studies and some of these are plans and
9 some of these studies are leading up to plans.

10 In the PAD, if you look through it, you'll
11 probably see that there was mention of a number of plans
12 that we're intending to file with the preliminary license
13 proposal, as its our goal, as Lesley mentioned, to file as
14 many of these plans as we can post-completion or after the
15 studies are completed, but pre- the license application so
16 that everyone has time to review those plans and get
17 feedback on them.

18 So an aeration-monitoring plan is proposed to
19 ensure that we don't degrade, dissolve the oxygen in the
20 river downstream of Overton Lock and Dam. A gate hydraulic
21 study has been proposed by our fish biologist on the
22 project, Keith Lawrence. He's interested in looking at the
23 types of movement local fish have or the possibilities for
24 movement in the existing tainter gates over a series of
25 different flow regimens and operations.

1 And we're proposing a tail water aquatic habitat
2 study as aquatic habitat immediately downstream of the dam
3 has the potential to be dramatically altered because such a
4 large period of the time, if the project be built, would all
5 flows be existing -- excuse me, would all flows be exiting
6 our new tailrace instead of the tainter gates. We're
7 proposed a fish entrainment study to look at the potential
8 for local fish to be come entrained or killed in the
9 project.

10 And again, the mussel survey wasn't mentioned in
11 the PAD, but if you took a look at the PAD, the closest data
12 point that we have for sensitive mussel species or any
13 mussel species is over 100 miles upstream. And we're know
14 there are sensitive mussel species in the Red River, so we'd
15 like a little more information, if possible, there.

16 (Slide.)

17 MR. STEIMLE: And we also know that there are
18 zebra mussels in the Red River, which they're not a
19 sensitive species, but an exotic species that pose quite a
20 problem for infrastructure projects and so we'd like to do a
21 little more work there to find out what their presence is
22 like in the project area.

23 (Slide.)

24 MR. STEIMLE: Veg characterization and rare plant
25 surveys have been proposed. It's pretty self-explanatory to

1 make sure we don't displace any sensitive species and aid in
2 a weed management plan so the project doesn't serve as a
3 conduit for the spread of noxious species. That plan,
4 again, would also be filed with the preliminary license
5 proposal and comprehensive cultural resource surveys are
6 proposed within the project area as well; and finally, a
7 sensitive wildlife habitat survey.

8 (Slide.)

9 MR. STEIMLE: This is just my last slide. This
10 is contact information for our offices where people are
11 working on this project. Again, my name is Erik Steimle and
12 I work out of Portland, Oregon office. Spenser is the
13 project engineer and he works out of our Rigby, Idaho
14 office. And we'll have fish biologist and water quality
15 staff working both out of the Utah and Oregon office as
16 well, and those individuals will be at the study plan
17 meeting.

18 I'll turn things back over to Lesley.

19 MS. KORDELLA: Okay, we're going to sort of
20 reiterate some of the resource issues that Erik brought up.
21 Next slide.

22 (Slide.)

23 MS. KORDELLA: But the purpose of doing this is
24 to hear from you and have a discussion amongst everybody
25 about any existing conditions that the project or any

1 relevant resource management goals from your agency review,
2 any information or a need for information from the PAD or
3 just a discussion of any study plans or the process plan
4 itself and any cooperating agency status.

5 (Slide.)

6 MS. KORDELLA: I won't go through these again,
7 but these are the same issues, pretty much the same issues
8 that Erik brought up earlier -- geology, soils, terrestrial,
9 threatened and endangered species, recreation, aesthetics,
10 land use, socioeconomic, cultural and developmental
11 resources all were identified in the scoping document and
12 then they were even refined with various issues under them.
13 And if you need a copy of the scoping document, I have one
14 with me I can give to you.

15 (Slide.)

16 MS. KORDELLA: And then another reason for
17 getting together for the scoping meetings is to get any
18 updated state comprehensive plans. They are all listed in a
19 scoping document as well, but there may be new ones that get
20 put out and we wanted to hear from the state about that, and
21 then updating the mailing list and you signed our sheet. So
22 that's good.

23 (Slide.)

24 MS. KORDELLA: This information is for any
25 correspondence, any filings that need to come in, that's the

1 address you would send it to and the project number is 13160
2 and then the 002 is the sub-docket number. And just to
3 reiterate the date again, comments on the PAD and study
4 request need to file to that address by September 15, 2009.
5 And we find that e-Filing is probably one of the fastest
6 ways -- are you familiar with e-Filing?

7 MR. ARTMAN: (Off mike.)

8 MS. KORDELLA: You haven't gone in yourself and
9 done it yet? Well, the website there at the bottom is for
10 e-Filing documents. And if you just go to our e-Library on
11 the FERC website, there are instructions on how to do it.
12 So you can upload documents that way instead of mailing them
13 to the address. That was in the former slide. You can also
14 do something called "Quick Comments" where you just type in
15 a field and then you file that in lieu of uploading a
16 document.

17 And the e-Subscription we all subscribe to our
18 project numbers, P-13160-002 and you get emails whenever
19 anything is filed on the project so that you're kept in the
20 loop pretty quickly. But we don't have the texting yet, so
21 just email.

22 So with that, I can give you the floor if you
23 have any questions for any of us here regarding any of the
24 issues that were brought up -- the ILP deadlines, study
25 requests, any more questions about the project itself, happy

1 to do that.

2 MR. ARTMAN: Good morning. My name is Jeff
3 Artman with the U.S. Army Corps of Engineers. I work at the
4 Vicksburg District Office and I also represent the
5 Mississippi Valley Division for Hydropower. And I just want
6 to say that it's Corps policy to encourage or support FERC
7 license hydropower development at our projects and so I look
8 forward to working with FERC and with Symbiotics, AES, and
9 Red River Hydropower on this project. And we'll get our
10 comments together and study requests by 15 September. And
11 with that, that's all I have to say at this point. Thank
12 you.

13 MS. KORDELLA: And Jeff, I'll make sure you have
14 my card if you have any questions about how to file or
15 e-Library or anything like that.

16 MR. ARTMAN: Okay.

17 MS. KORDELLA: Technical support -- walk you
18 through it on the phone, moral support. Okay, did anybody
19 else have anything to say?

20 (No response.)

21 MS. KORDELLA: No? Not you Dr. John? Question
22 from the court reporter.

23 COURT REPORTER: Is that Overton Lock Dam?

24 MS. KORDELLA: Overton Lock and Dam, P-13160-002.

25 COURT REPORTER: Thank you.

1 MR. MUDRE: I just wanted to say that if you do
2 the -- John Mudre with FERC. If you do the e-Subscription
3 thing, usually it's better to leave the 002 off the end of
4 it and put the docket number because not everything is filed
5 with a sub-docket number, so you might miss something that
6 did come in. The downside is you might get some things that
7 aren't related to the relicensing, but to some other aspect
8 of the project. But to me, it's better to have too much
9 than to miss something that might be important. So I would
10 leave the sub-docket off, if I were you.

11 MS. KORDELLA: Okay, anybody else have any last
12 comments?

13 MR. ARTMAN: You mentioned about a cooperating
14 agency discussion; was that something we'll talk about at
15 some point?

16 MR. STEIMLE: On other projects that we'll be
17 working on that seems to work out as far as developing that
18 at the first study plan meeting. Most of the agency folks
19 will attend that one and then we can organize that group. I
20 know that's not always how it works out, but...

21 MR. MUDRE: John Mudre again. I guess just for
22 the record, you were talking about being a cooperator on the
23 -- cooperating agency on the NEPA document, right? I mean
24 that's what we meant when we put it on the slide. Yes, so
25 that's what we mean by that. You don't have to. If you

1 want to, you can.

2 Obviously, your agency would be responsible for a
3 number of permits -- you know, at least the Dredge and Fill
4 404, maybe. So if you have NEPA requirements that go along
5 with that, the idea here is that we can cooperate and just
6 do one NEPA document that takes care of both your agency
7 action and ours.

8 MS. KORDELLA: Anything else? Thank you, John.
9 Anything?

10 (No response.)

11 MS. KORDELLA: No? Well then, I guess we can
12 close the meeting. It's 10:51. The meeting is closed.

13 (Whereupon, at 10:51 a.m., the above-entitled
14 scoping meeting was concluded.)

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