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BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION  
-----X  
IN RE: : Docket #  
PINE CREEK MINE, LLC : 12532-001  
-----X

PUBLIC MEETING  
BISHOP CITY HALL COUNCIL CHAMBERS  
301 WEST LINE LANE  
BISHOP, CALIFORNIA 93514

TUESDAY, JUNE 21, 2011  
1:30 p.m.

Reported by:  
CHARLES D. HOFFMAN

APPEARANCES

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JOE HASSELL, Project Coordinator, FERC

KIM OGNISTY, Esquire, FERC

MATT BUHYOFF, FERC

LYNN GOODFELLOW, Arocet Tungsten, LLC

JEFF FRANCIS, Pine Creek Mine

SHEILA IRONS, U.S. Forest Service

SHELLY DAVIS-KING

JIM RAJACICH

## 1 PROCEEDINGS

2 (1:38 p.m.)

3 MR. HASSELL: Welcome everybody. Welcome  
4 to the scoping meeting for the Pine Creek Mine  
5 Hydroelectric Project. My name is Joe Hassell, I'm  
6 the Project Coordinator for this project. I'd like  
7 to also introduce the commission staff that's here  
8 today. Kim Ognisty is with the Office of General  
9 Counsel and Matt Buhyoff is also my teammate with  
10 the Office of Hydropower Licensing. Okay, I've got  
11 everybody introduced.

12 I want to talk a little bit about our agenda  
13 today, make an introduction, give a project overview  
14 and after I go through this overview, I'm going to  
15 turn over the presentation to Lynn Overstreet (sic)  
16 and Jeff Francis to give a little presentation about  
17 what the project entails.

18 After they give us the information about what  
19 the project entails, I'm going to bring up what  
20 their resource issues are, as we understand them.  
21 And I'd like input from the group here on what those  
22 resource issues are. This will lead to the  
23 development of a study plan, and I'd also like to  
24 cover the process plan and schedule that we will be  
25 using to make an determination on this license

1 application.

2 Finally, I want to talk briefly about the  
3 integrated licensing process and some key dates and  
4 milestones that we'll be bringing up.

5 Before we go any further, let's take care of a  
6 little housekeeping. I think Matt has already  
7 passed around the sign in sheet. If you haven't  
8 signed in, please do so. We have a court reporter  
9 here to transcribe today's meetings. This will be  
10 part of the commission record, this proceeding. We  
11 want to keep things informal, even though we are in  
12 this council chamber with different levels of  
13 seating.

14 But we had a very good site visit this morning.  
15 I think everybody is, sort of, on a first name  
16 basis, almost. If anybody wants to file comments  
17 but not speak, you can do so by filing your comments  
18 with the commission. We recommend that you use  
19 e-filing. And if you want to be added to the  
20 mailing list, please let me know. If you're not  
21 already on it and if you'd like to be added to it,  
22 please let us know, we will add you to the mailing  
23 list.

24 I'm going to put this slide up here. This is a  
25 brief overview of the integrated licensing process.

1 Right now, we are in that second box on that notice  
2 of intent. A preapplication document has been  
3 filed. We are doing the scoping process plan now,  
4 and that will lead to the development of study  
5 plans.

6 And in the first year, we developed the  
7 studies, we performed the studies, and in the second  
8 year, an application was filed. Eventually, we'll  
9 have it ready for the environmental analysis notice  
10 to come out. After that, FERC will prepare either  
11 an environmental assessment or EIS, environmental  
12 impact statement. In this case, we think this  
13 project is simple enough that it's only going to  
14 require an environmental assessment. And  
15 eventually, after the environmental assessment, we  
16 will issue an order if we decide to license the  
17 project.

18 This is an original project. The target for  
19 the applicant to file their license is mid  
20 September, 2013, according to our process plan.  
21 We'll review it to see if it's complete. If it's  
22 complete, we'll issue a ready for environmental  
23 analysis notice and request terms and conditions  
24 from the agencies that are involved in the process.

25 Talk a little bit about FERC's role under the

1 Federal Power Act. FERC has the responsibility to  
2 issue licenses for hydroelectric projects. The  
3 National Environmental Process Act requires us to  
4 disclose the environmental effects of this project,  
5 this proposed project. And as I said once before,  
6 in the case of this Pine Creek hydroelectric  
7 process, we are proposing to do a single EA,  
8 environmental assessment. We issued a scoping  
9 document in May. It includes a brief description of  
10 the project. It covers the potential studies that  
11 have been identified. There weren't really a lot.  
12 I think there was a California yellow leg frog study  
13 that was proposed in the PAD, but we're looking back  
14 at that scoping document to see what we have done  
15 thus far. If necessary, we will issue a second  
16 scoping document if additional information needs  
17 come up.

18 The purpose of this meeting, here this  
19 afternoon, is to solicit comments from the agencies  
20 about what their issues are. Based on the site  
21 visit we made this morning, I think we may get some  
22 additional comments on what we need to discuss in  
23 this study plan, based on a fuller understanding of  
24 what is being proposed.

25 All right at this time . . . there is an aerial

1 view of the mine and the mountains, two mountains.  
2 I guess that's Morgan Creek coming down in the  
3 middle of that. At this time, I want to turn it  
4 over to Jeff Francis or Lynn Goodfellow to describe  
5 their project.

6 MR. FRANCIS: Good afternoon. I think  
7 that, fortunately, my job is being made a lot easier  
8 this afternoon because you all attended the site  
9 visit. I think that made all the difference in the  
10 world. You can look at it as many times as you want  
11 on paper but until you physically see the geometry  
12 associated with the tunnels and where the water is  
13 coming and where the water is going and who the  
14 players are and stuff like that, I think the site  
15 visit helped out an awful lot in that respect.

16 This is the Pine Creek Mine Hydroelectric  
17 Project. My name is Jeff Francis, I am a landowner  
18 down hill, and I am representing Lynn Goodfellow and  
19 the Pine Creek Mine today. Lynn Goodfellow is the  
20 owner, one of the stockholders, and Jim Rajacich is  
21 a landowner as well.

22 COURT REPORTER: What was that last name?

23 MR. RAJACICH: Rajacich, R-A-J-A-C-I-C-H.

24 MR. FRANCIS: As Joe mentioned, this is  
25 basically a preliminary public information meeting.

1 We're soliciting comments and agency input  
2 associated with the mine. This process has been  
3 going on for quite a few years. A lot of the  
4 studies that may or may not be talked about today,  
5 may have already been performed. We had anticipated  
6 some of them, and because of the longevity of the  
7 process, starting and restarting, we hope that we  
8 have a good number of them completed or near  
9 completion. They may have to be updated.

10 We're located just outside of Bishop,  
11 California. We all know that now. The orange area  
12 to the right is the area that we were discussing  
13 earlier today, regarding the various patent claims.  
14 That's basically showing, from an aerial view, where  
15 the mine shafts are, the various adits and portals.  
16 Where it comes together is where the mine site is.

17 A good part of the discussion today revolved  
18 around the plug. It's a concrete reinforced plug  
19 that's approximately 2,700 feet into the mine.  
20 Ground water that has, historically, been coming out  
21 of the mine, somewhere in the neighborhood of 8,000  
22 gallons a minute, is proposed to be backed up to  
23 create a reservoir. The reservoir would create  
24 head, which will generate our hydroelectric  
25 generation.

1           The original application proposed that the  
2 hydroelectric generator would be located inside one  
3 of the conduit tunnels. That is option number one  
4 that we discussed at the mine site. We think that  
5 the likely configuration is going to be what we're  
6 proposing as number two, which will be locating the  
7 generator outside on the patented private mining  
8 property, which is outside the portal where we were  
9 earlier today.

10           Head creates high-pressure water. We are  
11 proposing to have a conduit go from the plug area  
12 out to the portal entrance. That would be under  
13 high pressure, that would go through the turbine.

14           Another option, that we did discuss, is the  
15 possibility of putting it slightly lower, where the  
16 existing generation plant is. It would gain us a  
17 little bit of head, and it may be a better  
18 configuration. Those are the three options that we  
19 are considering.

20           It's an impulse type turbine generator, which  
21 is basically driven by the water coming through. It  
22 discharges the water when it goes through the  
23 turbine. It is going to discharge into Morgan Creek  
24 or into some similar type of tributary where it  
25 would either go into the creek itself or, possibly,

1 other options that we may consider in the future.

2 Because of the size of the property, the  
3 location of the existing facilities, we do have  
4 quite a number of options of where we can put the  
5 water back into the creek if we chose to do so. It  
6 is not stream water. This is water that is coming  
7 out of the ground. It is more characterized as  
8 ground water. Feel free to ask questions.

9 Power from the turbines would go into the  
10 substation that we pointed out during the site  
11 visit. The substation was in place for the mill and  
12 mine site itself. It is substantially larger than  
13 would be required in order to service the power that  
14 is generated on site. However, it would suffice, it  
15 would work. We are currently working with  
16 California Edison to purchase the electricity. We  
17 do have other options, such as the LADWP, Department  
18 of Water and Power.

19 COURT REPORTER: I'm sorry, repeat that  
20 sir? The what water power?

21 MR. FRANCIS: Los Angeles Department of  
22 Water and Power is a large land owner. They have  
23 existing hydroelectric facilities, and they're in  
24 the market of purchasing electricity.

25 COURT REPORTER: I think you just used an

1 acronym there?

2 MR. FRANCIS: LADWP.

3 COURT REPORTER: All right, thank you.

4 MR. FRANCIS: Having visited the mine  
5 site, it is very obvious that a topographical map is  
6 very difficult to read in that location because  
7 there are so many very steep areas. The lines that  
8 you see on the map are the elevations, some of which  
9 are very close together because of the steepness of  
10 the locality. There are various lines up there, I  
11 think most of which, we have discussed.

12 As we pointed out today, this, here, is the  
13 mine facility itself. This is where the adit and  
14 the tunnel and the proposed conduit is. Here is the  
15 entrance. Here is the plug. Remember, we talked  
16 about the fact that it went in, approximately, it  
17 looks to me like it's 1,700. It was either 1,000 or  
18 17. A combination of 2,700 feet is where the plug  
19 is located in here. The workings of the mine are  
20 back up in here and then up into the mine, as we  
21 discussed.

22 This is a close-up of this part of the map, and  
23 this is, basically, showing where the plug location  
24 is. The plug location is here, comes out here.  
25 Here is the, we talked about the maintenance

1 entrance, okay, that's right here. The main  
2 entrance and the water takes a shift and goes out  
3 here. This is where the portal entrance is, and  
4 the current proposal is to put the turbine just  
5 outside the portal. Any questions while I'm up  
6 here?

7 MS. DAVIS-KING: Do I have to identify  
8 myself? This is Shelley Davis-King, I just have a  
9 question about easy go, and before you said, "Letter  
10 E, letter Z, dash go, and this spells out EZ," and I  
11 wondered if there's an official name?

12 MR. GOODFELLOW: EZ Go.

13 MS. DAVIS-KING: Easy, spelled out?

14 MR. FRANCIS: It's spelled out.

15 MS. DAVIS-KING: Thank you.

16 MR. FRANCIS: This is an aerial view of  
17 the project site. It's very deceiving. This, as  
18 you know, is very steep in the area. You can see  
19 from bottom right where the mill site is, up towards  
20 the top left, that's, essentially, where Morgan  
21 Creek goes, as we're looking up. The mountain tops  
22 on the left, just below on the left, are in the  
23 14,000 feet range. The creek comes down through  
24 there. The Pine Creek and other creeks are out of  
25 the picture.

1 MS. OGNISTY: To the left, correct?

2 MR. FRANCIS: Below, actually.

3 MS. OGNISTY: Oh, below, okay.

4 MR. FRANCIS: Do you see that? Closer  
5 picture of the mill site. The elongated building is  
6 where we walked into. The top left is where the  
7 portal entrance is. Do I need to get up there, or  
8 is it pretty self explanatory? Okay.

9 MR. HASSELL: I've got a question.

10 MR. FRANCIS: Yes?

11 MR. HASSELL: That's the portal?

12 MR. FRANCIS: That's the maintenance one.

13 MR. GOODFELLOW: No, that's not either.  
14 It's to the left.

15 MR. FRANCIS: This is where the portal  
16 entrance is. The water come out here. We were  
17 discussing the large pipe, the conduit, that comes  
18 down. That is coming down in this direction.  
19 Morgan Creek is up over here. The options of water  
20 are to go in to the one up here, to go down into  
21 the, what we call the small hydro, where the conduit  
22 exemption is, and then go into the creek. But you  
23 also notice that we had other options.

24 We had options of ponding the water on the site  
25 for various purposes. And then, also, there's the

1 tailing ponds, which are just out of the picture  
2 over here. We could have the option of putting  
3 water anywhere on that property in various forms or  
4 quantities. And the reason that I bring that up is  
5 because we do have a competing application that is  
6 competing for water resources.

7 This is the mill building, for what it's worth.  
8 That's being taken down. That will no longer exist.  
9 This building will continue to exist. The existing  
10 facilities are such, there's administrative and  
11 other offices up here. To my knowledge, all of this  
12 will continue to exist. It has no real relevance to  
13 the hydro project, itself. Any questions?

14 This is the source. This is where it all comes  
15 from. If you go up on the top of mountain, right  
16 near . . . but if you go up on top of the mountain,  
17 it is plateau like or valley like.

18 MR. GOODFELLOW: Valley.

19 MR. FRANCIS: Valley like is a better  
20 description. And that, in the winter time, is  
21 covered in snow. The snow melt off creates,  
22 peculates into, for our purposes, and sheds off, for  
23 purposes of the various creeks in the area. That's  
24 what provides the water that we're talking about.

25 MR. GOODFELLOW: This is all of our

1 private property. Everything you can see there,  
2 everything in the vision left to right, other than  
3 the mountain, street and site are all private  
4 property.

5 MR. HASSELL: Now, as you look at that  
6 picture, if you look down that valley, is that the  
7 source of Morgan Creek?

8 MR. GOODFELLOW: Yes.

9 MR. FRANCIS: Yes. Everything's running  
10 that way, away from the photo.

11 MR. HASSELL: Okay.

12 MR. FRANCIS: Now, from this view, we  
13 don't have any more pictures, but as you look at  
14 that Y or that V, as the valley goes out against  
15 those other mountains, Morgan Lake and the private  
16 property is below that and to the right. Morgan  
17 Lake and the wilderness area is to the right. But  
18 everything to the left, there is a lot more property  
19 to the left and some more to the right and then back  
20 up this way, another half a mile from where we are  
21 at. It is very, very long, there's 135 and 188.  
22 There's two parcels there that make up the patent  
23 property.

24 MR. FRANCIS: If you bear with me for a  
25 second, one of the first pictures right here. Well,

1       you can see the lakes and stuff like that.

2               MR. GOODFELLOW:  It's very confusing.  I think  
3       that's confusing.  Hopefully, we'll find some more.

4               MR. FRANCIS:  This is a graphic depiction  
5       of the mine workings that you saw today.  This is  
6       essentially colored . . . it's a color demonstration  
7       of the various types of minerals, where it has been  
8       excavated and the potential source of head, the  
9       water backup, the ponding of the water.  At the very  
10      bottom here, this is kind of a side view.  If you  
11      can, you are, basically, looking at the model that  
12      we talked about.  Here is the tunnel but we were  
13      about half way down.

14              MR. GOODFELLOW:  Easy Go.

15              MR. FRANCIS:  Easy go, okay.  Level zero,  
16      correct me if I'm wrong -

17              MR. GOODFELLOW:  No, you've got it.

18              MR. FRANCIS:  - Is right in here.  Level A  
19      is up higher.  The reason that it's Level A, just as  
20      a history lesson-

21              MR. GOODFELLOW:  That's where they started  
22      the mine.

23              MR. FRANCIS:  They started the mine, and  
24      they went down and they, basically, went down as  
25      long as they could until it got impractical to bring

1 back up and to take it out. And so, they took a  
2 shot and actually, under certain pictures, you can  
3 actually see where they did exploratory borings to  
4 chase the tungsten, because it does a lot of that.  
5 So they, ultimately, back in the '40s and '50s or  
6 thereabouts, they came in here and they started  
7 working up into it. So that's just kind of how that  
8 all works out.

9 This is the mine that I was talking about.  
10 Basically, if you took that other picture and  
11 overlaid it on here, you're kind of seeing the same  
12 thing. This is a 1950s model, and the new one is  
13 the high-tech model.

14 We talked about the flow of the water. This is  
15 a description. This is a graphical description and  
16 a study of the water flow. This is historical,  
17 starting back in 1942, projection to the future. So  
18 basically, this is a tracking of the water. If I'm  
19 not mistaken, it's a result of stopping the mining.  
20 Remember, the mine stopped taking ore out before it  
21 stopped operating. It continued to operate as a  
22 mill. But basically, this is a depiction of the  
23 water, and using mathematical models, they were able  
24 to model, and this is a projection of the water over  
25 a period of time, out to, onward towards 2050. 2032

1 is this one right here.

2 We were talking about the source, whether it  
3 was going to run out, increasing whatever. This,  
4 right here, is the predictability that I was talking  
5 about. Okay, basically, this is a modeling of  
6 discharge predicted by the model, and-

7 MR. HASSELL: If they mine more, if they  
8 go back in and start digging around, you're  
9 anticipating-

10 MR. GOODFELLOW: More water.

11 MR. FRANCIS: Chances are-

12 MR. HASSELL: By virtue of the fact that  
13 you've put more tunnels and-

14 MR. GOODFELLOW: Absolutely.

15 MR. FRANCIS: And it was demonstrated over  
16 historically. It is neat to see pictures. "The  
17 Mine in the Sky" is one book that is very good,  
18 just, kind of, as a historical perspective. But a  
19 tremendous amount of water can pond, even over the  
20 course of a weekend or in days, 8,000 gallons a  
21 minute.

22 MR. GOODFELLOW: About 10,000. It's  
23 increased since we've been there. We've been there  
24 since 2000, and it's increased.

25 MR. HASSELL: But if you do nothing, you

1 expect this equilibrium to occur somewhere between  
2 10 and 15?

3 MR. GOODFELLOW: It will raise it, it will  
4 raise it.

5 MR. FRANCIS: The key is it's not  
6 dissipating in any substantial way.

7 MR. HASSELL: And these are actual  
8 measurements? The squiggly lines?

9 MR. GOODFELLOW: This was done back in the  
10 '70s and '80s.

11 MR. FRANCIS: It was '66 and '73. Their  
12 ability to model with computers has improved  
13 substantially.

14 MR. HASSELL: Is there an explanation for  
15 why, in 1962, it went up sharply like that?

16 MR. GOODFELLOW: It was before my time.

17 MR. FRANCIS: I don't know. The  
18 methodology of mining changed substantially. It was  
19 very labor intensive. It became more mechanical as  
20 time went on. I don't know

21 MR. GOODFELLOW: Your guess is as good as  
22 ours.

23 MR. FRANCIS: That's correct. This is a  
24 view of the plug, as it's called. It's hardened-

25 MR. GOODFELLOW: This is the upstream

1 side. You're looking at the pipe on the left that  
2 has the funnel in front of it. That's the pipe that  
3 would run the hydro. You're looking at the big pipe  
4 in the middle. That's a 30 inch conduit that gives  
5 us access behind the plug, when the plug is open  
6 like it is now. Right now, you can crawl through  
7 there to get on to the back side of the pond, back  
8 side of the dam. So, you're looking at the form  
9 work that's been put in there, prior to the concrete  
10 plug. And these two pipes are hanging out. Down on  
11 the left, down on the floor, what you're not seeing  
12 is a 24 inch drain line where the water is running  
13 through, now, is not being impounded at all.

14 MS. OGNISTY: So this is like the rebar  
15 and the-

16 MR. FRANCIS: That's all six inch angle  
17 iron, channel iron, that made up the false work that  
18 held the steel in place while we poured the-

19 MS. OGNISTY: So now, that's all poured  
20 with concrete?

21 MR. FRANCIS: That's just been left behind  
22 it. I mean we never went behind it. We cleaned the  
23 surface off on the downstream side but saw no reason  
24 to clean that steel off of the upstream side.

25 MS. OGNISTY: Okay.

1                   MR. FRANCIS: I mean, it's hidden from  
2 view and of no use. It just held the concrete.

3                   MR. HASSELL: But the plug is reinforced  
4 concrete?

5                   MR. GOODFELLOW: Oh yeah. It's the  
6 strongest concrete. It cured under great water and  
7 with cooling. Out here you have a temperature  
8 variations that could cause concrete to crack. We  
9 have wet, the product was wet, and it stayed. It  
10 took a long time to cure. This concrete probably  
11 cured better than any concrete in the country.

12                  MR. HASSELL: This is the plug itself?

13                  MR. GOODFELLOW: You see by Jeff's left  
14 finger is the entrance. You see there's 10 foot  
15 solid and there's 30 foot of reinforced gusset that  
16 gussets the 10 foot plug. There's drill galleys  
17 that go out into the wall. First of all, 30 days  
18 after the plug was poured, they drilled out just to  
19 the extremities of the plug and put a 50 pound grout  
20 to seal any voids or shrinkage. And then, another  
21 40 days, Paul? Another 30 or 40 days, we drilled  
22 out 12 feet and put 200 PSI grout, to grout any  
23 cracks or crevices. Had no loss of the grout at  
24 that point, and that's what makes up the plug.

25                  MR. FRANCIS: There are various forms of

1 plumbing that are used for various purposes, whether  
2 it is plugged or not. So ultimately, the pressure,  
3 the head, as it's called, backs up. Is this the  
4 backside?

5 MR. GOODFELLOW: Yep.

6 MR. FRANCIS: Okay, backs up here and then  
7 is released through the pipes, depending on what the  
8 purpose is. This is hard to see. You have to look  
9 in your pamphlet, but basically, this is the set of  
10 valves that is used to create the pressure to,  
11 basically, slowly work it down. And then, there is  
12 actually . . . you can shut it off, but then it  
13 backs up. But as you release the pressure, you have  
14 to do over a period of time.

15 MR. HASSELL: If I could point something  
16 out? This is planned view, and this is elevation  
17 view? What I'm saying is that you've got two pipes  
18 on the left side of the adit?

19 MR. GOODFELLOW: Yeah, right. You're  
20 looking at the turbine here behind-

21 MR. HASSELL: And one on top of the other.  
22 And the purpose of having two pipes is?

23 MR. GOODFELLOW: One is to drain the lake  
24 on a full-time basis, which is the bottom one. And  
25 like I said, the one on the center above-

1                   MR. FRANCIS: That's the discharge to the  
2 generator.

3                   MR. HASSELL: That's the pressure pump?

4                   MR. GOODFELLOW: So, this is the way to  
5 enter the lake afterwards. There is a four and a  
6 half inch steel plate on each side of build. This  
7 one here. So that plate's off now, you can crawl  
8 back in behind it. As soon as that plate's on, the  
9 water builds up if you shut this valve. And this  
10 is a valve, a Gatling Gun, we call it, and that's  
11 what we did the testing for two and a half years to  
12 determine the horsepower, the amount of gallons  
13 where the water would retain and stay static.

14                   MR. HASSELL: How wide-

15                   MR. FRANCIS: Twenty four inch.

16                   MR. GOODFELLOW: That's a 30 inch pipe.  
17 There's four and a half inch steel on this side and  
18 four and a half on the other. There's nine inches  
19 of steel where the big black line is right here.  
20 That's nine inches of steel that make up the cap  
21 that contains the pressure. Any other questions  
22 while I'm up there?

23                   MR. HASSELL: I'll come back to the  
24 picture.

25                   MR. FRANCIS: It's hard to see, but in the

1 center, you can see the guy with the hard hat, he's  
2 inside-

3 MR. FRANCIS: He's inside the plug.

4 MR. HASSELL: Oh yeah.

5 MR. GOODFELLOW: Do you see him?

6 MR. HASSELL: Yeah.

7 MR. FRANCIS: Six hundred and twenty-five  
8 feet of rock is, basically . . . once you've gone in  
9 to the plug, you then have six hundred and  
10 twenty-five feet of granite of the mountainside up  
11 above you.

12 MR. GOODFELLOW: Minimum of that.

13 MR. FRANCIS: Right. Reinforced high  
14 strength concrete was used.

15 MR. GOODFELLOW: The plug tested out  
16 somewhere in the 6,200 pound range. Three thousand  
17 was the minimum we were shooting for, by the cure  
18 and the kind of concrete used, and like I say,  
19 basically, the cure time. Because you know if you  
20 are out here, you have to refrigerate concrete or  
21 heat it in the winter. Here, we have a perfect  
22 optimum temperature. We had a moisture level that  
23 was perfect. So, this concrete turned out probably  
24 as good as any concrete in this world. It never saw  
25 sun. It never saw anything besides a perfect

1 situation.

2 MR. FRANCIS: Reinforced steel, plugs  
3 reinforced, basically, the plate as Lynn was  
4 describing, was put on to the plug, was fastened on  
5 there. Basically, the water backed up for two and a  
6 half years. It leveled out. It didn't continue  
7 going up and over-

8 MR. GOODFELLOW: We let it out. We found  
9 its maximum static level to be about 1,100 feet. We  
10 ran exactly the same PSI at the same gallonage for  
11 the two and a half years at 1,100 feet.

12 MR. FRANCIS: And that reservoir then  
13 creates the head that will create the hydroelectric.

14 MR. HASSELL: Question. Behind the plug,  
15 the head is how many feet? When it's full, when  
16 you've got your -

17 MR GOODFELLOW: Five hundred, pretty  
18 close, 480? Do you remember?

19 (All three briefly speaking at one time)

20 MR. FRANCIS: Oh, the head is 1,100 feet.

21 MR. HASSELL: Eleven hundred, okay.

22 MR. GOODFELLOW: It can get over 1,500.  
23 At 1,500 foot, it would run out the Burwell Tunnel.  
24 The 8,000 foot tunnel at zero level.

25 MR. HASSELL: Oh, okay.

1                   MR. FRANCIS: That would be the overflow.  
2                   Sheila, you asked that. The tunnel would be an  
3                   overflow. We would never allow that.

4                   MR. HASSELL: That's your spillway?

5                   MR. FRANCIS: Right.

6                   MR. GOODFELLOW: We're proposing one or  
7                   two turbines to be used to generate hydroelectric  
8                   electricity. 1.5 megawatts or 1,500 kilowatts,  
9                   according to the engineers the head is up to 1,320  
10                  feet, which generates an annual power of 5,600,000  
11                  kilowatts, or 5,600 megawatts of electricity. Which  
12                  is, as we're told, enough power to generate  
13                  electricity for approximately 700 households.  
14                  Fifteen cubic feet per second is the maximum.

15                  MR. FRANCIS: We're running that right  
16                  now. We're right up there right now.

17                  MR. HASSELL: Here's my question. You  
18                  said turbine flows estimates can vary up to 1,500  
19                  CFS. When you said, "Vary", you had proposed a  
20                  minimum flow as low as three CFS, and then the peak.  
21                  Now, if it averages, and I don't know, how much does  
22                  it fluctuate seasonally?

23                  MR. FRANCIS: There's three CFS in the  
24                  creek. We want to make sure that there is a minimum  
25                  amount that goes in the creek. We would use the

1 excess, because essentially, there's always 10 plus  
2 CFS coming out of the mine. But during the winter  
3 time there is-

4 MR. HASSELL: Down to seven?

5 MR. FRANCIS: But it does fluctuate. But  
6 during the winter, there is very little water, and  
7 certain times of the year, there's very little  
8 water. So, the minimum of three is proposed to put  
9 a minimum of three into the creek when it is  
10 required during the seasonal period of time. That's  
11 where it is-

12 MR. HASSELL: -At. And when you say,  
13 "Into the creek," are you talking about,  
14 approximately, the location of the conduit  
15 exemption?

16 MR. FRANCIS: Yeah.

17 MR. HASSELL: On Morgan Creek?

18 MR. FRANCIS: That allows us to put the  
19 reservoirs in, to have the aesthetics that we feel  
20 are necessary, as well, because that would be the  
21 water that we would put back in to the creek. So,  
22 you are correct in your question, and I was  
23 misleading. The power generation will be fairly  
24 consistent at seven to ten CFS. It comes out of the  
25 mine consistently, and that is the water that we are

1 going to use to generate electricity.

2 Where the variations come in, is if there is a  
3 requirement to maintain some form of water in the  
4 creek. Today, when you walked up there, there was  
5 plenty of water in the creek. If you would have  
6 been up there six weeks ago, there was very little  
7 water in the creek, and-

8 MR. GOODFELLOW: It froze. I mean the  
9 ground was frozen.

10 MR. FRANCIS: Yeah, essentially, and there  
11 is no run off yet. So, that's when that variation  
12 comes in.

13 MR. GOODFELLOW: Minimum is dead winter.

14 MR. FRANCIS: But when there's high flows  
15 in the creek, we would expect to not have to put the  
16 three CFS in there, because there's plenty of water.  
17 On the other hand, in the dead of winter, if it was  
18 determined, for whatever reason, that water was  
19 necessary to be put into the creek, then we would  
20 put three CFS into the creek. Does that help?

21 MR. HASSELL: Sort of. Because you have  
22 200 acre-feet of storage back behind the plug, you  
23 have the ability to let water go and then, cut it  
24 back.

25 MR. FRANCIS: Yeah, we do.

1                   MR. HASSELL: So, for example, this year,  
2                   and we're already into June. I don't know what the  
3                   lows are like in Bishop and things like that. It's  
4                   90 degrees out, 100 degrees outside today,  
5                   air-conditioners are on, presumably. So, you want  
6                   to peak on a day like today. What I'm trying to get  
7                   at is what is the flow that would be coming out if  
8                   you were in a peaking mode?

9                   MR. FRANCIS: If we were in peaking mode?

10                  MR. HASSELL: Yes.

11                  MR. FRANCIS: It would be closer to the 15  
12                  CFS, which is-

13                  MR. HASSELL: Close to 15?

14                  MR. FRANCIS: Right.

15                  MR. HASSELL: Which, 15 is average, so I  
16                  mean-

17                  MR. GOODFELLOW: No. Like you said, at  
18                  night, we could be shut off right now. We could  
19                  turn it on in the morning. That's the capacity that  
20                  we have that other people don't have.

21                  MR. HASSELL: Right, but in order to  
22                  create space, in order to shut off, you have to have  
23                  created some space. So then, you have to release  
24                  more water during the peak load of the day-

25                  MR. FRANCIS: Exactly.

1                   MR. HASSELL: More than the average. It's  
2 got to be more than the average?

3                   MR. GOODFELLOW: And we have that room.  
4 Because like I said, when we ran those calculations,  
5 we have 1,100, but we can go to 1,500 feet. As you  
6 get between the 1,100 and the 1,500 foot level, the  
7 lake gets much bigger. So, your bigger volume is up  
8 on top. Absolutely, it's like a funnel. It is a  
9 huge funnel that you saw at the bottom.

10                  MR. FRANCIS: If we have to put out more  
11 water than we can use in the generators, we would  
12 put it into the creek, or other options that we may  
13 have.

14                  MR. HASSELL: Okay. It all goes to the  
15 creek. I'm just concerned about what the variation  
16 is over the course of a June day, for example, or a  
17 July day.

18                  MR. FRANCIS: Good question. Yeah,  
19 generally speaking, it will be consistent. There  
20 will be a flow, but it will be a consistent flow.  
21 It is fairly predictable.

22                  MR. FRANCIS: Motorcycle race, sorry.  
23 Wrong one to come up; I didn't take it. Okay. This  
24 is another picture, really from the other direction.  
25 This was taken from where we looking for the bighorn

1 sheep and stuff like that. This is up on the road,  
2 looking down, just the opposite direction.

3 MR. GOODFELLOW: Now, you're looking at  
4 Pine Creek and Myrtle Creek.

5 MR. FRANCIS: Pine Creek is in the back  
6 upper left, in that direction-

7 MR. GOODFELLOW: Just about center.  
8 Center is Pine Creek; Myrtle is to your left, left  
9 corner.

10 MR. FRANCIS: The colorful layer there is  
11 the proposed location of the generation plant that  
12 we talked about, just outside the portal.

13 MS. DAVIS-KING: This is Shelly again.  
14 Will the Power Point be available to us somehow?

15 MR. FRANCIS: Yeah.

16 MS. DAVIS-KING: I mean, there are some  
17 charts and photos that would be interesting to be  
18 able to look at.

19 MR. FRANCIS: Yeah, we can.

20 MR. BUHYOFF: It should be easy. You  
21 just file it by-

22 MS. DAVIS-KING: E-Library.

23 MR. FRANCIS: Yeah, okay. I'll send that  
24 to Kim, we'll get it up on the web.

25 This is the existing high-voltage line that

1 currently feeds the mine. The question was asked,  
2 what is the configuration? Are we in discussion  
3 with any power companies? The answer to that is  
4 yes, we're talking to Southern California Edison.  
5 We may talk to Los Angeles Department of Water and  
6 Power. But there is an existing line that goes up  
7 there that fed the mine, the mining activities. We  
8 are under contract to upgrade those lines to today's  
9 standards because it's been about 10 years since  
10 they've been used significantly. Once they've been  
11 upgraded, we'll use that to send the power down in  
12 the opposite direction.

13 MR. HASSELL: Is that grey line a  
14 conduit?

15 MR. FRANCIS: That's that snow shed.  
16 That's where that other conduit is that I showed  
17 you, right when we got ready to leave.

18 MR. HASSELL: Uh huh.

19 MR. FRANCIS: We were standing at the edge  
20 of the shop, and we showed you that tunnel. That's  
21 the tunnel going down the side of the road. It's  
22 called a snow shed.

23 MR. HASSELL: A snow shed. Why do they  
24 call it that?

25 MR. FRANCIS: Because it was buried in the

1 snow all winter.

2 MS. OGNISTY: It's a pipe.

3 MR. GOODFELLOW: An escape route.

4 MR. HASSELL: Oh, oh, okay, I understand.

5 MR. GOODFELLOW: So right now, we maintain  
6 that with the Forest Service, because if our road .  
7 . . which we had five avalanches this winter. So,  
8 the five avalanches isolate my people.

9 MR. HASSELL: They crawl through that?

10 MR. FRANCIS: It's bigger than it looks.

11 MR. GOODFELLOW: You can walk through it.  
12 It's just like a regular tunnel.

13 MR. FRANCIS: And it heads out towards the  
14 tailing ponds.

15 MR. GOODFELLOW: It goes right up the road  
16 there, right after you made that sharp hairpin turn.  
17 That's where it comes out. You just didn't look at  
18 it, I guess, when you came down earlier. Did you  
19 guys see it?

20 MS. OGNISTY: We did.

21 MR. HASSELL: We took pictures.

22 MR. FRANCIS: That's the end of it. This  
23 is showing where the water, the various options that  
24 we have, once the water come out of the shaft  
25 itself. We have various ponds that you saw.

1                   MR. GOODFELLOW: Well, that is the  
2 exemption. That is where the line runs right now,  
3 to the lower generator.

4                   MR. HASSELL: So, the line at the bottom  
5 to the red dot is the exemption. Is that correct?

6                   MR. FRANCIS: The whole thing.

7                   MR. HASSELL: The whole thing?

8                   MR. FRANCIS: Everything you see on there  
9 is all exempt.

10                  MS. DAVIS-KING: Point of clarification.  
11 I thought the exemption was only the little shack.

12                  MS. OGNISTY: It is, yeah.

13                  MR. FRANCIS: That's what they're saying.

14                  MS. DAVIS-KING: So, you just described  
15 something different.

16                  MR. FRANCIS: Maybe I'm in error.

17                  MS. OGNISTY: It's just the turbine  
18 generation. Because for an exemption, there is no  
19 dam. There's no . . . so there's no reservoir,  
20 there's no-

21                  MR. GOODFELLOW: This is just a means to  
22 getting the water to the little building.

23                  MS. OGNISTY: Yeah, he is just describing  
24 something broader about the flow of water. This is  
25 describing something broader, I think, about the

1 flow of water. For FERC's lake sensing purposes,  
2 that exemption is just the power generation unit.

3 MS. DAVIS-KING: Okay, so that flow of  
4 water isn't exempt?

5 MR. FRANCIS: Well, it's on private  
6 property basically, in this case, because that's one  
7 of the conditions. So, we're describing the  
8 conduit, which is the red line that is going through  
9 what is now exempted from the application.

10 MS. DAVIS-KING: And the shed?

11 MR. FRANCIS: Absolutely.

12 No new roads are proposed, no new tunnels.  
13 Basically, the entire project is proposed to be  
14 constructed on previously disturbed property, mill  
15 property, mining property.

16 MR. GOODFELLOW: Or underground.

17 MR. FRANCIS: Or underground. It utilizes  
18 existing water that has been produced as a result of  
19 the mining operations. And as has been, hopefully,  
20 described adequately. Once the reservoir is  
21 created, essentially then, the water would flow out  
22 at the same rate that it fills into the reservoir,  
23 itself. And that would dictate how much water we  
24 would be able to run through the turbines. If there  
25 was too much water going through the turbines, we

1 would just put it into the creek or you have other  
2 uses for it.

3           Again, not to repeat myself, but because of the  
4 mining operations over the many decades, the water  
5 has been created as a result of the mining  
6 activities. Basically, it has been coming out of  
7 that same portal for decades. We are proposing a  
8 renewable source of power generation, and we believe  
9 that it is pretty straightforward. We're hoping  
10 that we would be able to generate enough electricity  
11 to contribute to the local grid and if not, to the  
12 regional needs of California and elsewhere.

13           There has been a lot going on. The State of  
14 California now has, they are encouraging renewable  
15 resources and stuff like that. Truthfully, we  
16 haven't been able to investigate the new laws to  
17 find out whether there are any other opportunities  
18 that we may not have already brought up to the  
19 public. But we do feel that it works under the  
20 guidelines that they are proposing. I'll open it up  
21 for questions or comments, or I'll turn it back to  
22 Joe.

23           MR. HASSELL: I have a question. You  
24 have, I suppose, do you have as built drawings for  
25 the plug?

1 MR. GOODFELLOW: Absolutely.

2 MR. HASSELL: Did you file them or . . . I  
3 mean, you can file them with CEII, if you are  
4 concerned about that, critical energy  
5 infrastructure.

6 MS. OGNISTY: It gives you some protection  
7 over who can . . . people can't just click on it in  
8 E-Library and access it.

9 MR. FRANCIS: I don't know that we've done  
10 that, maybe we haven't. I guess-

11 MR. GOODFELLOW: You have them. I don't  
12 know that I've seen engineering drawings for-

13 MR. FRANCIS: We can do that.

14 MS. OGNISTY: Yeah, you can do that.  
15 Because for instance, dams, normal dams will file  
16 that sort of information under CEII because you  
17 wouldn't want somebody to know inner workings to  
18 say, put a bomb there, unless they go through some  
19 minimal process before.

20 MR. HASSELL: Non-disclosure.

21 MS. OGNISTY: They can access the  
22 information. Trade secrets, that kind of thing.

23 MR. FRANCIS: Can you send me an e-mail,  
24 in that regard, and we'll go ahead and get that  
25 filed?

1                   MR. GOODFELLOW: Perfect. We have a  
2 company that's been working for about the last five  
3 or six years, and they're just about finished with a  
4 study that the Forest Service asked us for. And it  
5 has expanded the plug's engineering greatly. So,  
6 the engineering on the plug is getting better.

7                   Because we've found now that when they went  
8 back and reengineered it, we found that the plug is  
9 in a wedge. It was the upstream, it was wedged, so  
10 that the water pushes against a wedge. Bigger on  
11 the front, littler on the back, so it can't go out.  
12 We didn't know that in the first engineering.

13                   The first engineering was generic, out of a  
14 company in Pasadena that did all the structural  
15 engineering, and nobody sat down and did it by the  
16 inch. When the inquiries came from the Forest  
17 Service back in '04, I guess it was . . . so now  
18 it's being increased. And that engineering is just  
19 now being finished. Seismic and more structural.

20                   MR. HASSELL: Anyone else, questions for  
21 Jeff, before I continue? Is that me?

22                   MR. FRANCIS: Yeah.

23                   MR. HASSELL: I'm going to go here,  
24 because I don't want you all reading my notes.

25                   Okay, now we've come to the point of discussion

1 of issues. In the scoping document, I believe we  
2 listed these seven areas of resources: Aquatic and  
3 fishery resources - I guess that's mostly in Pine  
4 Creek, because Morgan Creek stretches, stretches so  
5 . . . is intermittent to begin with, and very short.  
6 Terrestrial resources, something we always  
7 investigate. That includes plants and we have  
8 threatened and endangered species, rare, threatened  
9 and endangered species. Recreation resources and  
10 land use, cultural resources, geology and soils and  
11 developmental resources.

12 Most of these topics were taken from the PAD.  
13 I must say that the PAD, for example, you look at  
14 the PAD, and it talks about recreational resources.  
15 They don't identify the impacts or anything like  
16 that.

17 When we talk about, we'll take them one at a  
18 time, when we talk about aquatic resources.  
19 We're talking about the potential effects on the  
20 water quantity and quality of Pine Creek. That's  
21 why I was asking the questions about how is this  
22 flow going to vary over time.

23 If you go to the scoping document . . . not the  
24 scoping document, but the PAD, it discusses  
25 potential effects on fish in Pine Creek and

1 potential effects on California Yellow Leg Frogs.  
2 Which, I believe, I'm not sure whether it's  
3 threatened or endangered or just a rare species. I  
4 believe it is an Endangered Species Act species.  
5 The PAD had proposed a survey for the California  
6 yellow leg frog. The PAD also proposed a wetlands  
7 survey and a rare plant survey around the site.

8 The PAD listed, I believe it was, 12 rare,  
9 threatened or endangered species documented within  
10 the vicinity of the Pine Creek project. In the  
11 vicinity, I mean within about six miles. It  
12 consisted of one bird, one fish, three amphibians,  
13 three mammals and four plant species. One of the  
14 amphibians was this California yellow leg frog, and  
15 one of the fish that was identified in this site was  
16 the Piute cutthroat trout. Upon the completion of  
17 the scoping process, we will view the list and  
18 determine the appropriate level of analysis needed  
19 to address each issue in the EA. The applicants  
20 haven't identified any information gaps related to  
21 threatened or endangered species.

22 I'll probably take this point in time to  
23 mention that the PAD was held in abeyance for a  
24 period, while we sorted who had the right to study  
25 the site. So, the PAD is a little bit dated. It

1       came out in 2008, I believe? As I mentioned  
2       previously, no recreation resources were identified  
3       in the PAD, the preliminary application document.  
4       We'll review this information and see if we agree,  
5       but so far we don't have any - I don't know -  
6       anything in the record right now, that talks about  
7       impacts to recreation.

8               As far as cultural resources, and potential  
9       studies. We will consult with Indian tribes and the  
10      state historic preservation officer and other  
11      interested parties. We sent out initial  
12      consultation letters to six tribes. We received one  
13      letter in response to our outreach. It was the  
14      Bishop Piute Tribe that said that they were  
15      interested in participating in the process. We made  
16      follow-up phone calls to the other tribes.  
17      I have not received any feedback from them though.  
18      The applicant will be required to draft a historic  
19      properties management plan if the project goes  
20      forward, in compliance with Section 106.

21             Developmental resources. Developmental  
22      resources is the section that we used to discuss,  
23      basically, the economic benefits of the project. No  
24      information gaps have been identified. The  
25      applicants have come up with an estimate of the

1 potential power production and energy production  
2 that the project can produce. As far as its value,  
3 we haven't gone that far in determining what it's  
4 value would be. But at least we know, based on the  
5 PAD, we know we're going to have 1.5 Megawatt  
6 generator carrying . . . I forgot how many kilowatts  
7 hours per year that we would produce.

8 Here is a rather important slide. And I have a  
9 process plan, copies of a process plan, with many  
10 more dates on it than this. But these are the dates  
11 that we want to key in on.

12 Study requests are due by July 22nd. A  
13 proposed study plan is due from the applicant by  
14 September 5th. The applicant will look at our  
15 comments and comments from the agencies and the  
16 public on what studies need to be done to move  
17 forward in the process.

18 A study plan meeting has to be held according  
19 to the IOP process, and that's within 30 days of the  
20 end of the study plan. I asked my supervisor, "Can  
21 these dates move?" And he says, "Yes, they can  
22 move, but only in one direction and that's earlier."  
23 A revised study plan, after the study plan meetings,  
24 is due by January 3rd, 2012, and our determination,  
25 the commission's determinations, about what studies

1 will be done has to be done by February 12th, 2012.

2 MS. IRONS: I have a question. I have that  
3 the study requests are due by the 19th.

4 MR. HASSELL: By the 19th?

5 MS. IRONS: Yeah, because the scoping  
6 document was issued May 20th, so 60 days?

7 MR. HASSELL: Sixty days, should be 60  
8 days.

9 MS OGNISTY: The 19th might be either a  
10 Saturday, Sunday, holiday.

11 MR. BUHYOFF: It's a Tuesday.

12 MR. HASSELL: In which case, if it falls  
13 on-

14 MS. OGNISTY: But he said it's a Tuesday,  
15 it's a Tuesday.

16 MS. IRONS: But it's after Labor Day,  
17 right?

18 MS. OGNISTY: Oh, Monday, but it's a  
19 Tuesday though.

20 MR. BUHYOFF: July.

21 MS. IRONS: I was told by our Regional  
22 Coordinator that they were due by the 19th.

23 MR. HASSELL: If you get them in by the  
24 19th, they're early.

25 MS. IRONS: Exactly.

1                   MR. HASSELL: Let me look at the process  
2 plan. The process plan, if you look at the scoping  
3 document, the process plan is at the back of it.  
4 Maybe I made a mistake, I'm sorry, it's always  
5 possible. All right, we issued our public notice  
6 for the PAD. Oh no, Pine Creek issued their . . .  
7 told us to reactivate their public notice,  
8 reactivate the project on March 31st.

9                   All right, we issued a notice on February 23rd.  
10 So basically, 60 days from February 23rd. Wouldn't  
11 that be about . . . May 23rd, we issued a notice of  
12 commencement of proceedings in a scoping document.

13                   MS. IRONS: That was May, okay, I have  
14 here May 20th.

15                   MR. HASSELL: No, it was May 23rd.

16                   MS. IRONS: Okay.

17                   MS. OGNISTY: Actually, I have the notice  
18 right here, and it's dated May 20th.

19                   MR. HASSELL: May 20th?

20                   MS. OGNISTY: Yeah.

21                   MR. HASSELL: So my numbers are late.

22                   MS. OGNISTY: So you had the 19th?

23                   MS. IRONS: The 19th is when the study  
24 requested-

25                   MS. OGNISTY: Of September?

1 MS. IRONS: Which means that all of those  
2 other dates also changed.

3 MR. HASSELL: Probably three days, should  
4 be two or three days early.

5 MS. IRONS: Of July, not September, right?

6 MS. OGNISTY: Sorry, July.

7 MR. BUHYOFF: July 19th is a Tuesday.

8 MR. HASSELL: July 19th is a Tuesday? All  
9 right, so you've got July 19th, and probably, well,  
10 that September date is going to be-

11 MS. IRONS: September 2nd.

12 MR. HASSELL: September 2nd. That's not  
13 Labor Day or Labor Day weekend?

14 MS. OGNISTY: No.

15 MR. BUHYOFF: You'd push it back.

16 MR. HASSELL: If it falls on a weekend or  
17 a holiday, then it falls-

18 MR. BUHYOFF: The next business day.

19 MS. OGNISTY: You get extra time if that  
20 happens, not less time.

21 MR. BUHYOFF: True.

22 MR. HASSELL: Okay, the most important  
23 date coming up, July 19th for comments. But I  
24 guess, if I put it in the scoping document wrong  
25 then I'm probably going to allow it to come in on

1 the 22nd.

2 But after we get the study requests in and the  
3 comments, your responsibility is to produce a study  
4 plan.

5 MR. FRANCIS: Right.

6 MR. HASSELL: And then-

7 MR. FRANCIS: That's the September?

8 MR. HASSELL: Right. And then, within 30  
9 days of that, we have the study plan meeting. It  
10 can be earlier than that. We don't have to take the  
11 whole 30 days after you come up with your study plan  
12 to do it. And I would actually encourage you to  
13 move it up a few days, just for personal reasons. I  
14 have a 20th anniversary.

15 MR. GOODFELLOW: That's a good reason.

16 MR. BUHYOFF: And you can, certainly, do  
17 as many study plan meetings as you feel like you  
18 need to.

19 MR. HASSELL: That is your meeting.

20 MR. FRANCIS: That's between the applicant  
21 and FERC?

22 MR. HASSELL: No, actually, the study plan  
23 meeting, is your meeting. It's between the  
24 applicant and these people who are asking you to do  
25 these studies. We sometimes come. We would like to

1       come, as long as it doesn't get me in trouble with  
2       my wife. That's why I'm suggesting-

3               MR. FRANCIS: We'll make a note of that.

4               MR. HASSELL: I'll let you know when my  
5       trip is.

6               MS. IRONS: Joe?

7               MR. HASSELL: Yes.

8               MS. IRONS: You said, "Study plan." Will  
9       there only be one study plan? There won't be  
10      technical study plans?

11              MR. HASSELL: There's more than one plan.  
12      There may be a plan for, for example, aquatic  
13      resources.

14              MS. IRONS: Okay.

15              MR. HASSELL: When we say, "Study plan,"  
16      we're talking about all of them.

17              MS. IRONS: All of them, okay. I just  
18      wanted clarification.

19              MR. HASSELL: And based on study plan  
20      meetings and comments, they can revise their study  
21      plans to, I guess, make things go forward, make  
22      things go easier. If there's . . . that last date  
23      on there, if everything is copasetic and everybody  
24      is kumbaya, and everybody agrees on the statement  
25      plan, then the revised study plan will become the

1 study plan.

2 But if there's disputes, the commission will  
3 make a study plan determination. I mean, if  
4 somebody asks for something that Pine Creek Mine  
5 does not think is necessary, and they don't include  
6 it in their revised study plan, we will make a  
7 determination about whether or not we agree or not.

8 MR. BUHYOFF: There are comment dates in  
9 between the issuance of the revised study plan. And  
10 if you guys reach sticking points, if you guys  
11 request a study and Pine Creek isn't honoring that  
12 request in those comments, it really helps us if you  
13 spell out why it is we need this study. We have a  
14 whole section on our requirements for filing studies  
15 in our regulations.

16 MS. OGNISTY: On our website too?

17 MR. BUHYOFF: Yeah. I believe there's six  
18 different criteria that we usually judge the need  
19 for studies on.

20 MR. HASSELL: Some of them are listed on  
21 here. It has to be a nexus to the project operation  
22 and effects. The methodology has to be consistent  
23 with accepted practices. We consider the level of  
24 effort and cost and why alternative studies would  
25 not suffice.

1           Oh, also, we consider existing information. I  
2 forgot that one. If the applicant thinks that  
3 existing information is good and they don't need to  
4 give anybody ideas, we don't want to prejudge  
5 anything. But if the applicant thinks that what  
6 they have is good enough, and we agree with them,  
7 that's one of the reasons that we would use to not  
8 require that study.

9           On the other hand, information is dated or  
10 something, and we agree that it's dated, we may  
11 require them to conduct a new study.

12           Go back to that first eight boxes. The  
13 integrated licensing process is designed to get the  
14 studies done up front. Some other processes need to  
15 be done at the end. Endangered species  
16 consultation, which in this case would be the Fish  
17 and Wildlife Service. I don't believe National  
18 Marine Fishery Services will be involved. The State  
19 of California has to issue a water quality  
20 certification. This is not in a coastal zone  
21 management, but in our orders these days, we'd like  
22 for the applicants to get a letter or a  
23 determination from the California Coastal Zone  
24 Management Agency, saying that they don't have  
25 jurisdiction.

1           Others, I didn't list there, but there's  
2 historic resources. That process has to be  
3 completed as well.

4           And that's the end of my presentation. You can  
5 ask me questions or then we can move on to discuss  
6 some of these resource issues that we came here  
7 today to scope. I hope to get some input on what,  
8 for example, Forest Service thinks are important  
9 issues. Because you are an agency that has  
10 mandatory conditioning authority, I think, and when  
11 it comes to study plans, because you have 4E  
12 authority, your opinion - I'll put it like that - is  
13 weighted higher when it comes to study plans than  
14 just somebody, a citizen or somebody that does not  
15 have any authority. You, Fish and Wildlife Service  
16 and the California Water Quality Agency, all have  
17 special rights.

18           All right, with no further ado, I will yield  
19 the floor.

20           MR. BUHYOFF: I think a good way to, kind  
21 of, structure this discussion, we could just, maybe,  
22 start with aquatic resources and see if anyone has  
23 anything to add, based upon our scoping document.  
24 So, we can just start with aquatic resources. In  
25 reviewing the PAD, we scoped out the effects of

1 construction operation and maintenance on water  
2 quality in Pine Creek, minimum flow in Pine Creek,  
3 potential for flooding in Pine Creek and also  
4 fisheries and resources in Pine Creek. So, does  
5 anyone else have any issues relating to aquatic  
6 resources that maybe came up today or a few of you  
7 may have missed?

8 MS. IRONS: Well, you know, I'm here today  
9 just to, sort of, listen. We are going to respond  
10 in writing.

11 MR. BUHYOFF: Sure, great, okay.

12 MS. IRONS: I will mention that we did,  
13 when you were using, I guess, it was the traditional  
14 process.

15 MR. HASSELL: Traditional, yes.

16 MS. IRONS: We did respond to that first  
17 stage consultation with some study requests. So,  
18 that's kind of our starting point.

19 MR. HASSELL: You did, and is that 12532,  
20 docket? Is that this docket or is that a previous  
21 docket?

22 MS. IRONS: I believe . . . well, yeah, 3,  
23 2, I believe it was. So, we did file that.

24 MR. HASSELL: Okay, okay, I'll look at  
25 that. Thank you.

1                   MR. FRANCIS: There was a public meeting  
2 that was held with the tribe. I think you attended  
3 then and made a comment after that. It may have  
4 been around 2004, 2005, somewhere around that time.

5                   MR. HASSELL: Okay, I'll look at that.

6                   MS. IRONS: Yeah, Matthew Gas.

7                   MR. FRANCIS: One of which was the seismic  
8 study, and we're working on the rest.

9                   MS. IRONS: So like I said, we're using  
10 that as a starting point, but we will respond.

11                  MR. HASSELL: Is Pine Creek, as it goes  
12 out in this area, is it private property? Or is it  
13 BLM property or Forest Service property?

14                  MR. GOODFELLOW: As it leaves off site?  
15 As it leaves off the mine site, it turns into Forest  
16 Service property, then it turns into BLM, then it's  
17 private, and then it goes to DWP. There might be  
18 some BLM again in there. And then basically, DWP,  
19 City of Los Angeles Department of Water and Power,  
20 controls it after that. Not a lot of water get to  
21 the Owens River, but it is considered a tributary  
22 into the Owens River.

23                  MR. HASSELL: Not a lot of water gets to  
24 the Owens River because of water rights or because  
25 there's not much water there?

1                   MR. FRANCIS: No, because of water rights  
2 and it's use and what not. It's basically used for  
3 irrigation, ranching purposes and stuff like that.

4                   MR. HASSELL: Is it fished?

5                   MR. GOODFELLOW: Pine Creek is fished, but  
6 it's no longer stocked, I don't think, now. It's  
7 not active. Very, very little, but it's not like  
8 some of the other areas in the community, but it  
9 does flow year-round. I've been a landowner since  
10 the early 90s, and it's always flowing. Pine Creek  
11 is, like you said earlier, the main tributary.  
12 Because you've got the upper elevations freeze and  
13 dry out, but they really freeze in the winter time.  
14 So, Pine Creek always flows.

15                  MR. GOODFELLOW: Myrtle doesn't stop and  
16 neither does Gable.

17                  MR. HASSELL: Sheila, if it was Forest  
18 Service Property, would the public have access to  
19 Pine Creek, if they wanted to fish it?

20                  MS. IRONS: Sure.

21                  MR. FRANCIS: Oh yeah.

22                  MR. HASSELL: How about BLM, yes?

23                  MR. FRANCIS: Even on private property.  
24 We don't publicize it, but there is the right to  
25 fish. If somebody walked down on waders, they could

1 fish there.

2 MR. GOODFELLOW: When it goes through our  
3 private property.

4 MS. IRONS: It is the public's land, so.

5 MR. FRANCIS: The creek itself, that's  
6 correct.

7 MR. GOODFELLOW: The creek goes through  
8 our private property for 1,000 feet or so. We've  
9 never had any issues. Pretty hard to get to it.

10 MR. FRANCIS: Yeah.

11 MR. HASSELL: What's the next one after  
12 aquatic? Let's go down the list.

13 MR. BUHYOFF: Like I say, it sounds like  
14 the Forest Service will file something later on.  
15 So, I guess, does anyone else want to add anything  
16 regarding cultural resources, kind of the scoping  
17 elements?

18 MS. DAVIS-KING: Me?

19 MR. BUHYOFF: Yeah, even you.

20 MR. HASSELL: Madam Chairman.

21 MS. DAVIS-KING: Well, the one thing I  
22 noticed is that it's an incredible mining landscape,  
23 and the mine is definitely historic, with some  
24 historic fabric surviving. And I certainly would  
25 wonder what the effect of this would be on the

1 historic mine, since there has been some addition of  
2 nonhistoric features, on the private land, that are  
3 visible, like from the trails that are on Forest  
4 Service land and that sort of thing. So first of  
5 all, I wonder if the history of the mine has  
6 actually been recorded and is available for the  
7 public.

8 Second of all, if there is an adequate  
9 landscape discussion of what is surviving out there,  
10 because there's quite a mining landscape out there  
11 as you know. Not just the buildings, but the  
12 trails, the tramways and so forth. So, that  
13 occurred to me. I know that even as recently as 35  
14 years ago, a little bit more than that, 40 years  
15 ago, Bishop tribal folks and also people from  
16 Kusedikka Piute were going after mountain sheep up  
17 in that area.

18 So, even if Fish and Game says that they  
19 reintroduced them in 1980, everybody around here  
20 knows that there have been sheep there, always.  
21 Even if you look at the Piute words for some of  
22 mountains, they are related to sheep and sheep  
23 hunting. So, I suppose those are the main things  
24 that I wondered. Was the mining landscape recorded?  
25 Was the mining itself recorded? Was the history

1 available for people? And then what will the  
2 impacts of this project be on that landscape and on  
3 that one mine?

4 MR. GOODFELLOW: Can I answer some of  
5 those things, maybe easily, before we . . . Do we  
6 have time to do that or should we do it in writing?

7 MS. DAVIS-KING: I guess my question, as  
8 long as you're asking me to talk about it, is that  
9 if you are developing a historic properties  
10 management plan, that generally means you have some  
11 historic properties that you were going to be  
12 dealing with, or at least you are going to be  
13 looking at the event that there might be historic  
14 properties out there. And based on the boilerplate  
15 that I read in here, that is not accurate. There  
16 hasn't been any real cultural resources  
17 investigation at all, from the history, from the  
18 archaeology or from the Native American issues. So,  
19 I'm not sure what an HPMP, historic properties  
20 management plan, would be developed from.

21 MR. FRANCIS: There has been private  
22 documentation of the history of the mine itself.  
23 The "Mine in the Sky" book is a book that has been  
24 referenced and is widely available.

25 MS. DAVIS-KING: I thought you said it was

1 out of print today, and it cost 1,000 dollars?

2 MR. GOODFELLOW: It's just that he  
3 couldn't afford to reprint it this year.

4 MS. OGNISTY: It is in libraries.

5 MR. GOODFELLOW: It's available.

6 MR. FRANCIS: One of the areas where Inyo  
7 County is involved is in the mine reclamation, and  
8 basically, what you described is over a period of  
9 time. The mine gears up, becomes active and over a  
10 course of time, which is sometimes over a long  
11 period of time, is basically reclaimed back to a  
12 certain agreed-upon basis. That has already been  
13 completed from the standpoint-

14 MR. GOODFELLOW: Wait a minute, Jeff,  
15 follow through for the mill. They've been demanding  
16 that the mill be torn down for the last 10 years.

17 MS. DAVIS-KING: That the what be torn  
18 down?

19 MR. GOODFELLOW: That the mill be torn  
20 down. And then we got a new, a couple of years ago  
21 we got to where we could keep it. So, it's either  
22 we keep it or not, if there's not any issue now on  
23 that. The mill is going to come down now, because  
24 of the avalanche and the damage that's happened to  
25 it.

1 MS. DAVIS-KING: And so somebody is going  
2 to be studying the effect of that on the  
3 environment? On the cultural environment?

4 MR. GOODFELLOW: Well, it's not a  
5 historical resource. It's not dedicated as a  
6 historical location. So-

7 MS. DAVIS-KING: Has it been evaluated by  
8 a professional?

9 MR. GOODFELLOW: Sure.

10 MS. DAVIS-KING: And described?

11 MR. FRANCIS: It's the landowner that is  
12 required to designate it as historical. The  
13 landowner has chosen not to do that. He attempted  
14 at one time. He attempted to turn it into a museum-

15 MR. GOODFELLOW: The county denied it.

16 MR. FRANCIS: They put up obstacles. The  
17 other option was the original reclamation, which  
18 Lynn described early on. That was basically, to  
19 take it back to where there was nothing left on the  
20 landscape.

21 MR. GOODFELLOW: Period.

22 MR. FRANCIS: There is currently - correct  
23 me if I'm wrong - there's currently, a kind of, a  
24 median between that. There are certain buildings  
25 that are going to be left. There are certain

1 buildings that are going to be taken out. There  
2 are tailing ponds that have been reclaimed, and  
3 there is a process that is ongoing with the county  
4 and in other agencies that would document that, that  
5 continues to document that, and, truthfully, is in  
6 the final stages of that stage, truthfully.

7 You have to understand that technically  
8 speaking, it's still an operating mine. Until the  
9 mine ceases to operate and withdraws their permit,  
10 if you will, it will continue to be an active mine  
11 with certain minimum standards. Once that stops, if  
12 it stops, then the County and other agencies have  
13 decided what has to be done, what studies have to be  
14 done, environmental issues and stuff like that.  
15 Most of which has already been done. There has been  
16 a tremendous amount of clean up in the area because  
17 it was very much an industrial site. The mill was  
18 using caustic chemicals and stuff like that. All of  
19 that has been basically cleaned up. The buildings  
20 themselves are . . . you'd have to talk about each  
21 individual building to know whether they will remain  
22 or not. And if they remain, they'll remain until,  
23 conceivably into perpetuity. And that's where it  
24 stands.

25 MR. GOODFELLOW: And it is on private

1 property.

2 MS. DAVIS-KING: How do you make the  
3 determination of what's contributing or  
4 noncontributing to the potential historical  
5 resource?

6 MR. FRANCIS: Well, that is a subjective  
7 question. Again, in California, it's not considered  
8 technically historical until the landowner decides  
9 that it's historical. It has historical prospects;  
10 there's cultural history, much of which has been  
11 documented.

12 MR. GOODFELLOW: Documented.

13 MR. FRANCIS: If you ask the county, the  
14 county would just as soon see it back in possibly  
15 the Forest Service, would like to see it back into  
16 pristine condition. That may or may not ever be  
17 possible. Certain things, there's ground movement,  
18 certain things can't be redone. So, there has been  
19 a significant amount of negotiations and now an  
20 agreement through the mine reclamation plan that is  
21 on record with the county, that dictates what is  
22 going to happen in the future. Some of which has  
23 already happened. So, that will be incorporated, if  
24 necessary, into the studies that you are talking  
25 about. Does that make sense?

1                   MS. DAVIS-KING: I understand what you're  
2 saying.

3                   MR. GOODFELLOW: There is a sizable bond  
4 with the county, cash bond, that we posted that's  
5 staying there until such time as the reclamation  
6 plan is deemed finished, which is getting close.

7                   MS. DAVIS-KING: My questions don't have  
8 to do with your reclamation plan or what you are  
9 required to do under SEQA. They have to do with  
10 this project and the potential effect on a historic  
11 property. So, that's all mine are meant to focus  
12 on.

13                   MR. FRANCIS: There are very few, if any,  
14 depending on how it's done, new, additional  
15 facilities that are required. The fortunate thing  
16 we consider is that the facilities are already in  
17 place, have been in place for years, and it will  
18 more or less be a continuation of what is already  
19 there.

20                   So, in order for us to put a turbine inside the  
21 mine, which is idea one, there is no disturbance.  
22 Outside there may be a new building. Option three,  
23 which is down where the other hydro plant is, may or  
24 may not require a new building. It would be prudent  
25 on our part to have something that fits into the

1 atmosphere for lots of reasons, and anything like  
2 that would be, I assume-

3 MR. GOODFELLOW: I think you've seen the  
4 building that was just built there, with the  
5 exemption project that's using the exact same metals  
6 and the same-

7 MS. DAVIS-KING: I saw that.

8 MR. GOODFELLOW: So, it looks exactly like  
9 what's been there. We don't want anything to change  
10 in the environment at all. Want it to get better.  
11 We've made it better, what we think to be better,  
12 with the ponds and things like that, getting rid of  
13 the asphalt roads and to have the water effects and  
14 so forth, so that the property is becoming more  
15 aesthetically beautiful, rather than something  
16 negative like it was when we got there.

17 Of course, we think we are doing good for our  
18 country by giving it green power that is as green as  
19 it ever was. We don't have to look at windmills;  
20 we're not looking at solar panels. This is all  
21 hidden away in a pristine manner. Hopefully, you  
22 all agree with that.

23 MR. HASSELL: We're, sort of, going down  
24 this list. And you all brought up the subject of  
25 the reclamation plan. Will putting hydroelectric

1 here affect that reclamation plan by putting water  
2 here instead of in another place?

3 MR. FRANCIS: Not at all. Not in any way,  
4 shape or form.

5 MR. HASSELL: Were you trying to grow  
6 anything on top of the tailings?

7 MR. GOODFELLOW: It's all been planted and  
8 signed off, finished.

9 MR. HASSELL: And that's with native  
10 species that don't need a lot of water?

11 MR. GOODFELLOW: Yes. We weeded it for  
12 five years, replanted it. It's growing well. The  
13 Forest Service has signed off on it.

14 MR. HASSELL: Does it have an independent  
15 source of water?

16 MR. GOODFELLOW: No. We proposed it, but  
17 I don't think it went anywhere.

18 MR. HASSELL: Well, that's terrestrial  
19 resources. Threatened and endangered species, you  
20 mentioned in the PAD this Piute cutthroat trout.  
21 Are you not proposing any studies about whether it's  
22 there or whether the project will affect it?

23 MR. FRANCIS: Fish and wildlife has been  
24 there all the way along. We've never heard anything  
25 from Fish and Wildlife

1                   MR. GOODFELLOW: No comments, well, they  
2 haven't had any comments.

3                   MR. HASSELL: Recreation resources, you  
4 didn't identify anything. Land use I guess, land  
5 use was industrial, and, I suppose, this is also an  
6 industrial use. The creek is not used. It couldn't  
7 be for boating?

8                   MR. FRANCIS: No.

9                   MR. GOODFELLOW: No.

10                  MR. BUHYOFF: There are trails before you  
11 turn off to go up to the mine, correct?

12                  MR. GOODFELLOW: But they stay off of our  
13 private property, all but for the trail up Morgan.  
14 Morgan just crosses a corner. That's where you saw  
15 the signs. You are allowed to come up our road.  
16 Stay to the right and move on up the trail on up to  
17 Morgan Lake, or come down - like you guys talked  
18 about - come down and back out. We have no issues,  
19 no problems. We've enjoyed the people coming and  
20 going. As long as they don't steal and come on to  
21 our property. We have guards there full time. So,  
22 that's not an issue

23                  MR. FRANCIS: There's primitive camping  
24 places and stuff like that. I don't know-

25                  MR. GOODFELLOW: Up on top.

1                   MR. FRANCIS: -there's little dirt roads  
2 that you can drive back into, and people put up  
3 their tent and stay for days, down by the creek

4                   MR. GOODFELLOW: You mean down in the  
5 canyon?

6                   MR. FRANCIS: Below the mine.

7                   MR. GOODFELLOW: Yeah, there's a lot down  
8 in the canyon.

9                   MR. FRANCIS: Below the gate.

10                  MR. HASSELL: And we discussed earlier,  
11 fishing. People don't go down there and fish?

12                  MR. FRANCIS: Not to my memory.

13                  MR. GOODFELLOW: Not to my memory.

14                  MR. FRANCIS: There's really no access.

15                  MR. GOODFELLOW: You can't hardly get in  
16 there. It is so overgrown and so steep. My kids  
17 have tried and employees have tried. It's pretty  
18 tough.

19                  MR. HASSELL: And the fluctuation? Not  
20 necessarily on your property, but if somebody was in  
21 the water fly fishing or whatever-

22                  MR. GOODFELLOW: They'd die.

23                  MR. HASSELL: Well, what do you mean?

24                  MR. GOODFELLOW: Right now, it's-

25                  MR. HASSELL: Right now, you can't.

1 MR. GOODFELLOW: We've lost animals there.

2 MR. HASSELL: You can't get in it right  
3 now, but I mean once it comes down. The peaking of  
4 fluctuation that you would be doing would not be of  
5 a magnitude to cause a problem?

6 MR. GOODFELLOW: Not at all.

7 MR. FRANCIS: During the 2 1/2 years that  
8 we were going up and down with it, as we did our  
9 test and nobody ever said one word, nobody. Fish  
10 and Wildlife, and they have meters on it full time.

11 MR. HASSELL: When you drained it, did  
12 that significantly raise any-

13 MR. GOODFELLOW: Not in any way, shape or  
14 form. Nobody ever knew it was happening.

15 MR. FRANCIS: I own the first private  
16 property, as I mentioned before. And it wasn't  
17 until after the whole process was complete that they  
18 even knew what happened.

19 The city of Los Angeles, although the water  
20 doesn't necessarily get down to the point where they  
21 can use it, they control the use of the water.  
22 Irrigation, ranching, stuff like that. What they do  
23 is they have measuring gates all up and down Pine  
24 Creek Canyon, above our property, below our  
25 property, which indirectly monitors our use. The

1 other land users, they-

2 MR. HASSELL: You're speaking of your  
3 personal property?

4 MR. FRANCIS: Yes, but also they have  
5 measuring gauges that are on BLM property above our  
6 property, private property, and then on our  
7 property, 140 acres in Urbana. The creek splits  
8 into two creeks, Mill Creek and Pine Creek, and then  
9 there are land owners, including ourselves, that use  
10 the water for irrigation purposes and ranching  
11 purposes. And then they - meaning the city of Los  
12 Angeles - has an additional measuring gauge down  
13 below. So they monitor the water and the amount of  
14 water that's coming out of the mine is pretty minor  
15 compared to the amount of water that flows down  
16 through the canyon. By the time you get all the  
17 creeks combined, it's a very small percentage. I  
18 don't want to speculate what that percentage is.

19 MR. HASSELL: That, sort of, brings me to  
20 one of the last issues, which is developmental  
21 resources. Would this fluctuation or creating a  
22 minimum in order to bring the storage back in the  
23 mine, back to full, would that affect anybody's  
24 water rights downstream, anybody else's  
25 developmental resources?

1                   MR. FRANCIS: I would be the first one to  
2 tell you.

3                   MR. HASSELL: Why?

4                   MR. FRANCIS: Because I have water rights,  
5 I am third in line. Essentially, on Pine Creek  
6 Canyon, there are three major water users. The city  
7 of Los Angeles, Arcularius family, and Pacific and  
8 Development Pine Creek ranches at Gethsemane.  
9 Between the three users of water, they basically,  
10 there's no more water available in terms of water  
11 rights.

12                   MR. HASSELL: Fully appropriated?

13                   MR. FRANCIS: Fully appropriated, that's  
14 correct.

15                   MR. HASSELL: And they would get - when I  
16 say, "They", I meant Los Angeles Water and Power -  
17 little fluctuations don't matter to them, they will  
18 get it eventually.

19                   MR. FRANCIS: That's correct.

20                   MR. HASSELL: But somebody who is a  
21 rancher?

22                   MR. FRANCIS: Has the right to the water  
23 and their volume of water that they demand is small  
24 enough that all the neighboring landowners,  
25 including the mine, number one, would defer to them,

1 number one. But more importantly, there is plenty  
2 of water in the creek. And you have to keep in  
3 mind, I'm not sure if legally it makes a difference  
4 or not, but the mine generates ground water. It is  
5 not perennial stream water. They are adding to the  
6 resources. And, conceivably, not that you can pond  
7 it and keep it ponded, but if they could divert it  
8 in some form or fashion, because it's their own,  
9 it's no different than well water in a lot of  
10 respects. They probably have the right to do so.

11 MR. GOODFELLOW: We went to DWP and that  
12 was their answer, is that it's our water. And  
13 another thing, that's a positive thing here, is that  
14 in time of flood, we can shut the water off and help  
15 the flood. Rather than overflowing the streams and  
16 causing more grief downstream, we could shut the  
17 water off at the plug and let it go up in the lake  
18 and let it help for a month or two weeks or three  
19 weeks during high water time.

20 MR. HASSELL: Assuming the lake is empty.

21 MR. GOODFELLOW: Exactly. Well, even if  
22 it's not empty, there's still always been enough  
23 room at the top.

24 MR. FRANCIS: What I can throw out is  
25 that, at peak flows, when there is major run off in

1 Pine Creek, there is as much 300 cubic feet per  
2 second of water going down the creek. It's not  
3 there now, but it's getting pretty close.

4 MR. GOODFELLOW: It's getting there.

5 MR. FRANCIS: We're talking about a  
6 maximum of 15 cubic feet per second.

7 MS. IRONS: Sir, could you repeat the  
8 lower?

9 MR. FRANCIS: Three hundred CFS, cubic  
10 feet per second, is about a maximum of what, at the  
11 bottom of the canyon-

12 MS. IRONS: With all the streams coming  
13 in?

14 MR. FRANCIS: With all the streams, high  
15 run off. It can be lower than that, but  
16 essentially, at that point, it's a fairly small  
17 percentage. We're talking 10 to 15 cubic feet per  
18 second.

19 MR. HASSELL: Does the Los Angeles  
20 Department of Water and Power, they have these  
21 gauges, it's not public, their information, is it or  
22 is it not?

23 MR. FRANCIS: They have provided it to  
24 me. It is available.

25 MR. HASSELL: Are they, sort of, up to

1 USGS standards, in terms of water measurement?

2 MR. FRANCIS: I think you'll find that  
3 they're pretty high tech.

4 MS. IRONS: So Jeff, just as a point of  
5 clarification.

6 MR. FRANCIS: Mm-hmm.

7 MS. IRONS: You said you have a water  
8 right?

9 MR. FRANCIS: That's correct.

10 MS. IRONS: Do you have an appropriate  
11 water right or is it riparian?

12 MR. FRANCIS: Riparian.

13 MS. IRONS: Riparian based, okay. And  
14 Pine Creek, that's not part of the Chandler Decree?

15 MR. FRANCIS: No, not to my, I'm not sure.

16 MS. IRONS: That's Bishop Creek?

17 MR. FRANCIS: That has nothing to do with  
18 that.

19 MS. IRONS: Nothing to do with that, okay.

20 MR. HASSELL: I didn't discuss geology  
21 and soil, but I want to touch on it as far as  
22 scoping. I talked about earlier, engineering plans  
23 for the plug. The plug and its ability to maintain  
24 its integrity may be a geological issue. I think in  
25 the docket, if you look at the docket, people have

1 discussed what would happen if there was a failure  
2 of the plug. So, I think that needs to be discussed  
3 or scoped out. If you can tell us why no further  
4 studies are needed in that regard.

5 MR. GOODFELLOW: That's discussed in this  
6 new document.

7 MR. HASSELL: What new document?

8 MR. GOODFELLOW: The document that's just  
9 come out.

10 MR. HASSELL: Okay.

11 MR. GOODFELLOW: CRG Technical is on  
12 contract to do that, and go through the catastrophe,  
13 if there was a worst thing happened in the world.

14 MR. HASSELL: Did they route the flood?  
15 Did you want to say route the flood? Say there was  
16 a failure. The lake, I call it a lake-

17 MR. GOODFELLOW: Yeah.

18 MR. HASSELL: If the lake was full and  
19 then there was a catastrophic failure that would  
20 flood. Do they discuss how that water would come  
21 out like that?

22 MR. GOODFELLOW: Exactly.

23 MR. HASSELL: The hydrograph that would be  
24 produced?

25 MR. GOODFELLOW: And we need to have that

1 done for what date? I talked to them last week, and  
2 they said they were in the finishing stages of it.  
3 So, if you'd give me the date, then I can put it on  
4 them.

5 MR. FRANCIS: What we need to do is get  
6 the information from the agencies and the public and  
7 disseminate that.

8 MR. GOODFELLOW: Yeah, be sure it's  
9 addressed.

10 MR. FRANCIS: Disseminate that and make  
11 sure we address the issues.

12 MS. OGNISTY: It would be one of your  
13 studies.

14 MR. FRANCIS: Correct.

15 MS. OGNISTY: Which would be after all of  
16 the dates that Joe had up there, which are the lists  
17 of when we help determine or people ask for certain  
18 studies. You usually have a year, sometimes two if  
19 necessary. But a year to conduct the studies. So,  
20 you are ahead of the game if it's almost finished  
21 already.

22 MR. GOODFELLOW: I think we're about done.  
23 But like you said, wasn't your comment saying that  
24 this could be sped up, but maybe not lengthened?  
25 Did I hear that right?

1                   MR. HASSELL: All of our IOP dates, they  
2 could be sped up. They can't be-

3                   MR. FRANCIS: It sounds like some of that  
4 will have to do with the Forest Service. That's  
5 okay, that's fair.

6                   MR. GOODFELLOW: And in that respect,  
7 because they has gone on, started and stopped, they  
8 have made requests and suggestions, and to my  
9 knowledge, we've tried to meet them and will  
10 continue to try to meet them. That's it.

11                   MR. HASSELL: Am I supposed to adjourn  
12 things? Okay, I declare the meeting adjourned then.  
13 Thank you very much everybody.

14                   (WHEREUPON, The proceedings were concluded at 3:07  
15 p.m.)

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