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BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

- - - - -x
IN THE MATTER OF: : Project Number
CHESTER DIVERSION HYDROELECTRIC : 11879-001
- - - - -x

Best Western Cotton Tree Inn
450 West 4th South
Rexburg, ID

Friday, October 7, 2005

The above-entitled matter came on for scoping
meeting, pursuant to notice at 9:25 a.m.

MODERATOR: EMILY CARTER, FERC

P R O C E E D I N G S

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MS. CARTER: Well, good morning, everyone.

4

Welcome to the morning Chester Scoping meeting.

5

Since everyone who is here was also here

6

yesterday, I wanted to double-check to make sure no one had

7

any additional comments or anything that they would like to

8

put on the record. I won't go through the presentation

9

again unless someone really wants me to.

10

(Laughter.)

11

And if there aren't any additional comments, then

12

we'll go ahead and close the meeting.

13

(Laughter.)

14

MR. LAWRENCE: I was kind of hoping there would

15

be doughnuts here.

16

(Laughter.)

17

MS. CARTER: Well, it's still early enough that

18

we should be able to find some.

19

(Discussion off the record.)

20

MS. CARTER: Good morning again. Welcome to the

21

Chester Scoping meeting, second round.

22

I am Emily Carter from the Federal Energy

23

Regulatory Commission. I am the project coordinator at

24

FERC. So I'll be overseeing the EA process and the NEPA

25

process and the development of our EA.

1 We also have Sue Davis, who is the terrestrial
2 biologist from Lewis Berger, our contractor. So she'll be
3 working on the EA.

4 Peter Foote is the project manager and will be
5 reviewing fisheries. He is also from Lewis Berger, our
6 contractor.

7 And Alan Mitchnick, who will be sort of reviewing
8 the EA along the process.

9 The purpose of scoping is under the National
10 Environmental Policy Act, which requires any federal action
11 to look at environmental impacts and different alternatives,
12 and then FERC's regulations and other applicable laws, we
13 have to do an evaluation of the environmental effects of
14 licensing a hydropower project. The scoping process is part
15 of the NEPA process and it is used to identify issues and
16 concerns that need to be addressed, the significance of
17 those issues, and to identify any reasonable alternatives
18 that should be evaluated.

19 Scoping provides an opportunity for participation
20 of other federal, state, local agencies, NGOs, tribes and
21 the public in the NEPA process.

22 It's also a request for information for any
23 information or data that might help define the geographic
24 and temporal scope of the cumulative effects analysis or
25 identify any additional environmental effects or issues, any

1 other studies, reports or NEPA documents that are relevant
2 to the project, any information or data describing past and
3 present environmental resources in the area, and any other
4 resource agency plans and future proposals for the project
5 area.

6 Then we have a short description of the project
7 features. Last night we had a short presentation by Vince
8 Lamarra, Dr. Vince Lamarra from Symbiotics, the applicant.

9 Just to sort of go over everything, the
10 significant features are the Chester Dam and the crosscut
11 Last Chance canals. They are proposing to add a three foot
12 high rubber dam on the existing spillway, a new 50 foot wide
13 concrete spillway, a two-unit powerhouse that is going to be
14 where the current crosscut canal is located, and then moving
15 the crosscut canal slightly, and then a one-mile long
16 transmission line to follow the access road, the current
17 access road to the dam.

18 The project is located near Chester, Idaho. This
19 is the upper view, the current -- the dam as it currently
20 stands, the proposed powerhouse, where they are proposing to
21 move the crosscut canal, and then the water will flow this
22 way into the channel. And this is the lower dam.

23 The project will be run in a river using flows
24 that normally spill over Chester that will be diverted to
25 the south side of the dam. The proposed rubber dam would

1 maintain a pool three foot above the current spillway crest,
2 which currently that flow happens during high flows, which
3 is about 13 percent of the time. This would make that
4 elevation constant. And it would not affect the flows
5 entering the crosscut or Last Chance canals.

6 The proposed environmental measures at the
7 erosion control plan, screens on the turbine intakes,
8 fisheries monitoring studies for resident trout populations,
9 entrainment studies and fish salvage in the canal -- in
10 crosscut canal, and a mitigation fund for terrestrial
11 resources. They would only -- They would do construction
12 during the period from May 15th to November to minimize
13 disturbance to nesting and wintering bald eagles. They
14 would maintain the elevations into mid-May to protect
15 nesting waterfowl. Rehabilitation plans would protect and
16 enhance riparian vegetation. Limited vehicle use and
17 parking to established areas would also minimize riparian
18 area damage.

19 A landscape plan and agency consultations for
20 noxious weeds and canary grass are included.

21 For recreation, they're going to upgrade the
22 existing boat launch that is right below the dam and improve
23 stability and upgrade the area below the Chester Dam by
24 improving the trout in the river. Land use and aesthetics
25 is to construct the powerhouse using materials that will

1 blend into the current environment, texture, concrete and
2 make sure and mix a color that doesn't stand out.

3 The geographic scope for water quality will be
4 built looking at Vernon Bridge downstream to Fun Farm
5 Bridge. And the fisheries will be from upstream Ashton Dam
6 to the downstream Fun Farm Bridge.

7 The temporal scope, we usually look 30 to 50
8 years into the future, which is the normal -- what is
9 usually the license term. Of course, that will be limited
10 to information that is available and what we have. But
11 we'll be looking at past, present and future actions and
12 their possible cumulative effects on water quality and
13 fisheries.

14 Resource issues for geology and soils, the
15 release of sediment and its effects during construction,
16 potential for increased shoreline erosion and effects on
17 sediment transport related to higher -- levels and flow
18 releases, and the potential for increased sediment due to
19 fish screen maintenance and cleaning.

20 Resource issues for water resources, the
21 potential effect of project operations on water quality, DL
22 -- or temperature turbidity and TDG and the ability to
23 maintain state water quality standards.

24 MS. GOODMAN: What's TDG?

25 MR. FOOTE: Total dissolved gases.

1 MS. CARTER: For aquatic resources the potential
2 effect of the project construction on sediment releases, on
3 the aquatic habitat downstream of the dam, particularly
4 rainbow and brown trout spawning and rearing.

5 The potential effects of aquatic habitat,
6 particularly trout spawning and rearing habitat as a result
7 of higher impoundment levels and project flow releases and
8 potential effects on fish entrained in the project turbine
9 generators. The effectiveness of the exclusion screens to
10 prevent fish entrainment and the fate of fish excluded.

11 Terrestrial resources are the effects of project
12 construction on vegetation in disturbed areas and on
13 waterfowl. Project construction on the spread of -- the
14 effects of project construction on the spread of noxious
15 weeds and exotic plants are a concern.

16 The effects of project construction and operation
17 on IDFG special status species and potential effects of
18 proposed higher impoundment levels and project flow releases
19 on the existing littoral zone, adjacent wetlands, adjacent
20 riparian habitat, and cottonwood trees both upstream and
21 downstream of Chester Dam.

22 Threatened and endangered species, the potential
23 effects of the project on federally listed threatened bald
24 eagle, Ute ladies' tresses, Utah valvata snail, whooping
25 crane and the Yellowstone cutthroat trout.

1 Recreation effects of the proposed project on
2 current recreational activities in the project area,
3 existing activities and future recreation activities,
4 including the Henrys Fork Trout Fishery, and the ability of
5 the existing and proposed recreational features to meet
6 current and future demands.

7 Land use and aesthetics, the potential effects of
8 the proposed action or alternative on current and future
9 land uses in the project area as well as the aesthetics of
10 the proposed project on the -- and the effects on the
11 aesthetics of the area.

12 Cultural resources, the potential effect of
13 project construction and operation on archeological and
14 historic properties and sites of concern to numbers of
15 interested Indian tribes.

16 And development resources, the effects of the
17 proposed project, mitigation and enhancement measures on
18 project economics.

19 The environmental document preparation schedule,
20 we issued the scoping document one in September. And we're
21 having the scoping meetings now. There will be a 30-day
22 comment period for written comments, so until November 7th.
23 Then the proposed issue date for the ready for environmental
24 analysis will be -- is currently June 2006. It's at that
25 point that we feel we should have all the information,

1 hopefully we'll have all the information we need to complete
2 the environmental analysis. And then we plan to issue the
3 environmental assessment in November 2006.

4 So then if there are any comments we can take
5 them now.

6 (No response.)

7 You can also mail your written comments to the
8 FERC Secretary at this address. Or you can also file them
9 electronically, which is -- you can go to our website and do
10 it through e-filing. And they have the instructions there.
11 The instructions are also in the document -- or in the
12 scoping document for both mailing or e-filing.

13 And that's the presentation.

14 MS. GOODMAN: I'm not sure if I have public
15 comments as much as -- I mean I will submit other comments.

16 I'm not sure -- I mean -- I'm going to take this
17 really, since there aren't other people in the room, and
18 even the applicants aren't here, which -- My first comment
19 is that the applicants aren't here and that it was my
20 understanding last night that Vince Lamarra would be here.
21 You know, when we were -- when we met yesterday it was very
22 clear that Vince and Greg were going to give a presentation
23 today. So even if it was just me, I really appreciate you
24 guys sticking around to give that, and also a little
25 disappointed that the applicants themselves didn't stick

1 around and that they didn't come through with their
2 presentation.

3 So I might -- You know, I want to make that note.

4 You know, in our meeting yesterday I came late.
5 I unfortunately had another conflict. But I see a few
6 things that, you know -- so it sounds like the three of you
7 will be doing the environmental assessment, is that correct?

8 MS. CARTER: There are more of us.

9 MR. FOOTE: There are more that aren't here.

10 MS. DAVIS: Some couldn't make it.

11 MS. GOODMAN: Some -- I mean, this again, this
12 doesn't need to be marked urgent. But I do just have a few
13 questions. There aren't any more comments.

14 I think that -- I don't see a proposed -- Well,
15 let me explain. I'm from Trout Unlimited. My name is Kim
16 Goodman and I'm the new state director for Trout Unlimited.
17 I used to work for the Teton Regional Land Trust, which is a
18 local land conservation organization. And I will always --
19 I will as much as I possibly, possibly can come at things
20 from an angle where there are available solutions and there
21 are ways to reach decent solutions for both parties here.

22 And, you know, I would say that one thing that
23 seems to be missing is kind of an economic analysis. And I
24 know that has not been a part of an environmental analysis.
25 I'm familiar with the process. That part is often

1 overlooked.

2 As part of my public comment I will submit to you
3 a document that Trout Unlimited and the Henrys Fork
4 Foundation has written.

5 MS. CARTER: We did actually receive a document
6 last night from Jim Mathias--

7 MS. GOODMAN: You did. Okay.

8 MS. CARTER: -- that I think might be the same
9 document --

10 MS. GOODMAN: Well, Trout Unlimited and Henrys
11 Fork Foundation are very, very --

12 MS. CARTER: -- and I can double-check.

13 It's a recent one?

14 MS. GOODMAN: Yes.

15 MS. CARTER: Okay. Yes, I believe.

16 MS. GOODMAN: That's something that I really
17 think we should look at. And, again, you know, I hope that
18 this isn't going down on the record. But, you know, I'm
19 happy to submit my public comments at a later date just as
20 kind of some recommendations. I think that there is --

21 MS. CARTER: Just so you know, I think it is --
22 we are -- it is still going down. So

23 MS. GOODMAN: Well, then I'll watch what I say.

24 But there are ways that I think that we can
25 broach this where we could protect economic resources,

1 protect recreational resources, protect environmental
2 resources and natural resources and still allow FMID to
3 generate power and generate funds from the project.

4 The proposed solutions I think perhaps got a
5 little mixed up, at least in my discussions with some folks
6 regarding the fish laddering. I think that the fish ladder
7 comment in our meeting yesterday was kind of cut short in
8 that some of the agencies don't necessarily see -- the
9 comment was that if there is a proposed fish ladder that
10 diversions should be screened and that it wasn't -- we
11 shouldn't have a fish ladder, period. It was we shouldn't
12 have a fish ladder for just allowing fish to migrate
13 upstream and then they're just going to get sucked down into
14 canals.

15 MS. CARTER: So the canal should be screened?

16 MS. GOODMAN: The canal should be screened.

17 And if, you know, if Vince's numbers are correct
18 -- I really would like to see the data -- but if Vince's
19 numbers are correct I think that there's probably room for
20 negotiation and not screening the turbines themselves. But
21 the most important thing is screening the canals, if those
22 numbers are correct.

23 I also have a little fear about --

24 MS. CARTER: His numbers for the --

25 MS. GOODMAN: For the turbine mortality.

1 MS. CARTER: I just wanted to make sure it was
2 clarified.

3 MS. GOODMAN: And I guess you aren't new to this
4 process and I'll plead my ignorance in this as well. You
5 know, I've known about this project since I think 1999 or
6 2000 through the larger council, but it's not something I've
7 followed. So, you know, please excuse my ignorance.

8 But I'm also a little surprised that from -- that
9 it seems like these studies are -- that the studies are
10 being proposed after the dam goes in. 'Oh, we'll study the
11 mortality after the dam goes in,' and 'we'll study this as
12 we go forward.' But it's not slowing down the process.

13 And I'm not here to slow down the process. But I
14 really believe in doing things right the first time. And I
15 really would like to see that there's -- I'd like to see the
16 numbers that, you know, with these turbines there is going
17 to be, you know, minimum mortality fish, or, you know, build
18 the fish ladder and screen it the first time so you don't
19 have to go chip out concrete.

20 There's a way to do this project where everyone
21 wins, and where it can make Symbiotics and FMID look like
22 superstars and still have, you know, still meet the needs of
23 the recreational community and the natural resource
24 agencies.

25 And I would just, you know, just give you

1 something to contemplate as you move forward on this, and
2 that is skip the reserves. Let's find out what, you know,
3 what really is the mortality, you know, where the
4 entrainment of fish when they're going into these canals and
5 what is the mortality of, you know, the fish going through
6 turbines and what are some of the sedimentation issues. And
7 I just -- I'd really -- I'd like to see this process change
8 where everyone comes out ahead.

9 And with that, you know, I just have a couple of
10 comments on -- just a couple of notes I made on your
11 presentation. And that is have the -- has the Wilcox family
12 -- they own the piece of land downstream of Fall River and
13 they own the property that the access road is along. They
14 own that eastern parcel that will be affected by what sounds
15 like will be a one mile long power line.

16 It sounds like perhaps the Wilcox family should
17 be on your list of people receiving your documents. And I'm
18 not sure what the policy is there, whether neighboring
19 landowners are on that list. But I would think that they
20 would have comments on this as well. Especially knowing
21 that they've all got property to potentially develop it, how
22 would they react to a one mile long transmission line. And
23 are there other proposals to perhaps bury that line.

24 In Teton Valley, Idaho they're having -- and this
25 is common throughout -- but they're finding that in areas

1 with high, you know, high potential or high density of fog
2 along rivers that they're having increased deaths of both
3 swans and herons. And is that, you know, is that power line
4 going to be above ground or is it going to be below ground.
5 And is there going to be any mitigation or any environmental
6 assessments where you're going to consider that.

7 So outside of that, these are all just comments
8 that have come, you know, thoughts that have come in the
9 last few minutes. I will submit a separate public comment
10 specifically addressing things in the scoping document. But
11 more than -- just to get those on the record, it's just
12 things to consider as FERC moves forward here.

13 I'm just a little surprised that it's FERC who's
14 giving this presentation instead of the applicants and that
15 the applicants aren't here to give their own presentations
16 to defend, or -- not defend, but to promote the project that
17 they are putting forward.

18 MS. CARTER: They did give a presentation last
19 night.

20 MS. GOODMAN: I know. And I would have come last
21 night. We specifically asked the question -- it was
22 specifically asked last night -- was the same presentation
23 going to be given this morning. And it was clear that the
24 answer was yes.

25 MS. CARTER: Okay.

1 MS. GOODMAN: So, anyway, thank you so much for
2 taking the time.

3 MS. CARTER: Thank you for coming. And I hope
4 you feel better.

5 MS. GOODMAN: I'm sorry. It might not have been
6 worth your time, but I really do appreciate your taking the
7 time.

8 MS. CARTER: No, anything that helps.

9 MS. GOODMAN: Thank you.

10 MS. CARTER: We'll go ahead now and close the
11 meeting. Thank you for coming.

12 (Whereupon, at 9:40 a.m., the hearing in the
13 above-entitled matter was adjourned.)

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