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BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

- - - - -x
IN THE MATTER OF: : Project Number:
HELLS CANYON PROJECT : P-1971-079
- - - - -x

Doubletree Hotel Boise Riverside
2900 Chinden Blvd.
Bosie, Idaho

Friday, September 8, 2006

The above-entitled matter came on for scoping
meeting, pursuant to notice, at 10:07 a.m.

BEFORE:
TIM WELCH, FERC

P R O C E E D I N G S

(10:07 a.m.)

1
2
3 MR. WELCH: Good morning everyone. I'd like to
4 welcome you to our second public meeting as part of the
5 Hells Canyon relicensing proceeding. This is a meeting for
6 us to get some input on your comments on our draft
7 Environmental Impact Statement that was issued in late July.

8 My name is Tim Welch. I am the branch chief of
9 West Branch II in the FERC's Division of Hydropower
10 Licensing and I've brought with me some staff people and
11 also some members of our contracting staff. We all work
12 together as a team to produce the draft EIS.

13 Our chairman, Joseph Kelliher, before he begins
14 the monthly Commission meeting we have started a tradition
15 of saying the Pledge to the Flag. So in keeping with that
16 tradition, I'd like to ask those of you who wish to join me
17 to rise and say the Pledge to the Flag.

18 (Pledge recited.)

19 MR. WELCH: Thank you very much.

20 What we'd like to do today we'll go through and
21 we'll do a few introductions of FERC staff and contracting
22 staff, and then we have four folks who have signed up to be
23 speakers and read testimony into the record. I'd like to go
24 through them and anyone else who might like to speak. Then
25 after we get finished with that, I'd like to start some

1 dialogue with any members of the public or any members of
2 our sister federal agencies or state agencies or Indian
3 Tribes that would like to make some comments on our DEIS.

4 I know we have sort of a formal situation here
5 with us sitting up here on the stage and everything, but I'd
6 like to be a little more of a give and take and just comment
7 and some discussion. I think we can all benefit from that
8 discussion.

9 At this point I would like to turn things over to
10 Alan Mitchnick who is the project manager for the Hells
11 Canyon Project and he'll lead us through the introduction
12 and talk to us a little bit about the ground rules and
13 bathrooms and emergency exits.

14 Alan?

15 MR. MITCHNICK: I also want to welcome you to
16 this meeting today. Everybody please sign the sign-up sheet
17 before you leave if you haven't already signed it so we have
18 a record of this. Again, if you would like to speak, please
19 indicate so on the sign-up sheet.

20 Just a few housekeeping measures, the emergency
21 exits are behind me through those doors, either direction
22 will get you out of the building. Basically, you can run in
23 any direction and you'll end up outside.

24 MR. WELCH: Actually, this is our personal escape
25 hatch here, so don't use this one.

1 (Laughter.)

2 MR. MITCHNICK: And the restrooms are out that
3 door and to the right.

4 At this time I'd like to introduce the staff that
5 we have here today, and I'll start off with the Commission
6 staff. To my far right is Emily Carter and next to her is
7 Allan Creamer. The contract staff that prepared the
8 document for us, to my left is Ellen Hall, to her left is
9 Fred Winchell and in the back is Eileen McLanahan.

10 As you can see, Chris, our court reporter, is
11 transcribing every word that is said today. So to make his
12 job a lot easier, I'm going to ask everybody who speaks to
13 give their name, give the spelling of their name, at least
14 the first time, and their affiliation, if you have one.

15 I just want to talk first just a little bit about
16 the schedule, where we are, what needs to be done and where
17 we're going. The Commission issued the draft Environmental
18 Impact Statement on July 25th. Hard copies are available.
19 I know we sent out CD copies of it and we have lots of CD
20 copies available in the back. Feel free to take as many as
21 you might need. We had hoped to have hard copies and we
22 sent them out -- 13 boxes of them -- three weeks ago and
23 they haven't arrived, so they may be available soon. So
24 they may be available from Ellen who lives in Boise, but if
25 you have a need for a hard copy just give me your name and

1 address before the end of the meeting or at the end of the
2 meeting or just put it on a piece of paper and put it on the
3 back table and I'll try to get a copy out today or on
4 Monday.

5 As many of you know, copies are also available on
6 the Commission's website. Information on how to access the
7 website is also on the back table. If you're not aware of
8 it, something you might be interested in, the Commission
9 does have an e-Subscription service that if you sign up for
10 the project online you'll get an e-mail notifying you of all
11 issuances or filings associated with this project. That's a
12 good way to keep up-to-date on what's going on and that way
13 you don't miss anything.

14 The Commission noted the EIS on July 28th. EPA
15 noticed it on August 4th and the comment period starts as of
16 the date of the notice and it's a 60-day comment period,
17 which I'll talk about in a second. This is the second of
18 five public meetings that we've had and will have. The
19 first meeting was last night and we had music and dancing
20 and open bar, although it was next door.

21 (Laughter.)

22 MR. MITCHNICK: But it seemed like it was a part
23 -- we felt like we were a part of it, though. So I'm sorry
24 if you had to miss that. It seems pretty quiet today.
25 There will be a public meeting Monday night in Halfway,

1 Oregon. There will be a public meeting Tuesday night in
2 Weiser, Idaho and a public meeting Wednesday night in
3 Lewiston, Idaho.

4 Comments are due October 3rd. The EPA notice
5 lists October 2nd as the comment date and the Commission
6 notice lists October 3rd. Apparently, EPA uses a different
7 calendar or something. So October 3rd is the official date
8 for the comments. Comments can be filed electronically.
9 Again, instructions on how to do that are on the back table.
10 It's a lot easier for everybody to do it. There's an
11 electronic version available. You don't have to file an
12 original and eight copies as you would if you filed by mail.
13 You don't have to do both. For some reason some people do
14 both and it's unnecessary.

15 The notice that the Commission issued also
16 solicits petitions to intervene. If you already have filed
17 a petition, you don't need to file another petition. If
18 you've filed a petition for late intervention or a late
19 petition for intervention, the Commission issued a notice a
20 couple of weeks ago basically granting all those late filed
21 interventions. So again, if the Commission granted one of
22 your interventions that was filed late, there's no need to
23 file again. But interventions are due to be filed no later
24 October 3rd. The final Environmental Impact Statement is
25 scheduled to be issued by February 27, 2007.

1 As I'm sure everybody is aware, this is a very
2 long process and we still have a lot to complete before the
3 Commission can get to the point of making the decision on
4 licensing. First of all, we need to wait for the water
5 quality certifications from the states of Idaho and Oregon
6 before the Commission can issue a license. And currently
7 the one-year period that the state has to act on a
8 particular application will expire December 27, 2006, and
9 hopefully we'll be able to get some sort of update today if
10 we can.

11 We also have to complete compliance with Section
12 106 of the National Historic Preservation Act. The
13 Commission issued a draft programmatic agreement on July
14 25th and sent that around for comments. We've received
15 numerous comments, but we haven't received comments from all
16 the signatory or concurrent parties for that programmatic
17 agreement. Then the species consultation we've requested
18 formal consultation with both National Marine Fisheries
19 Service and U.S. Fish and Wildlife Service. That's
20 typically 130-day process and we had some discussions this
21 morning before this meeting about how to proceed with that,
22 and so we will have further discussions in October on the
23 Endangered Species Act issues.

24 We have to complete the 10-day process. Section
25 10j of the Federal Act requires that the Commission include

1 recommendations of state and federal official wildlife
2 agencies unless the Commission can find them inconsistent
3 with applicable law. As part of the draft Environmental
4 Impact Statement, we did find numerous recommendations
5 inconsistent and those recommendations we need to attempt to
6 resolve those inconsistencies. So generally we hold a
7 meeting to discuss those issues with the agencies and we
8 sort of have them tentatively scheduled for mid-October.

9 The final sort of issues that need to be
10 addressed before licensing decisions can be made as the
11 final land management conditions under Section 4e of the
12 Federal Power Act. We evaluated the draft conditions,
13 preliminary conditions in the draft Environmental Impact
14 Statement and we will have to wait until the final and we'd
15 also like, perhaps at this meeting, talk a little bit about
16 the schedule for that.

17 Is there anybody with the Idaho DEQ or Oregon DEQ
18 that might be able to address the timing of the water
19 quality certification?

20 MR. WELCH: Are you Suzanne?

21 MS. KNAPP: Yes.

22 MR. WELCH: You were going to be the first
23 speaker.

24 MS. KNAPP: So am I ready?

25 MR. WELCH: Are you?

1 (Laughter.)

2 MS. KNAPP: Are you?

3 MR. WELCH: We are.

4 MR. MITCHNICK: You can address my comment when
5 you speak. I have a few more things to get to before -- I'm
6 not quite ready.

7 MR. WELCH: I'm sorry.

8 MR. MITCHNICK: Hopefully, you can address that
9 issue when you speak.

10 MS. HENSLEY: I can answer any questions having
11 to do with the DEQ process and timeline later, if you like,
12 if that was the nature of your question.

13 MR. MITCHNICK: Okay. We'll do it that way.
14 Thank you.

15 The Forest Service, BLM if I could sort of get an
16 idea of your schedule for finalizing your conditions. I
17 know Forest Service is here.

18 (Pause.)

19 MR. MITCHNICK: Walt, could you raise your hand
20 for the microphone.

21 MR. DORTCH: I'd like to speak to -- I'm on the
22 speaker's list, but I would like to address that at that
23 time.

24 MR. MITCHNICK: Okay. That gets us to the draft
25 EIS. The draft EIS was our first attempt to comprehensively

1 look at all the recommendations, all five, six
2 recommendations, 218 10-day recommendations, 45 land
3 management conditions, 23 alternative license conditions and
4 hundreds of other recommendations made by Indian Tribes and
5 state agencies and conservation groups. I mean it is a
6 draft. Again, it is our first attempt. It's not our final
7 position. It's sort of our opening move. This is based on
8 our understanding of the information in the record and
9 Commission policy and practice. This is sort of where we
10 stand at this point, realizing that there is a lot of
11 disagreements with the conclusions that we've made in the
12 document.

13 We've adopted many of Idaho Power Company's
14 recommendations. We modified some of them. We added
15 numerous other recommendations, came up with some
16 operational alternatives; but this is your opportunity to
17 basically try to let us know where we were wrong, why we
18 were wrong, what information you think we should be looking
19 at that we didn't.

20 MR. WELCH: Or why we were right. Let's not
21 forget that.

22 (Laughter.)

23 MR. MITCHNICK: Or why we were right. If you
24 could focus on that, we wouldn't mind. But we realize this
25 is a very controversial project, a lot of diverse groups of

1 stakeholders, as about as diverse a group as you could
2 imagine and we tried our best to wade through all the
3 recommendations and come up with an alternative that we
4 thought addressed the issues. But this is your opportunity,
5 both at this meeting today and through the comment period on
6 the draft Environmental Impact Statement, basically to
7 supplement the record as appropriate or basically just let
8 us know what you think. We need to know to do our job
9 better.

10 All comments you make today will become part of
11 the record just like the comments officially filed with the
12 Secretary. I didn't mention, but if you want to file hard
13 copies with the Secretary, on the handout there's the
14 address and I send you to the Commission's website for more
15 information on how to file.

16 Before we get to the speakers, I'll just ask if
17 anybody has any procedural questions on the schedule or on
18 some of the process itself. This might be a good time to
19 ask those questions. There will be opportunities later to
20 also ask questions.

21 Jim?

22 MR. ESCH: (Off mike.)

23 MR. MITCHNICK: We've got a question from Jim
24 Esch about whether the transcripts will be posted. After a
25 certain period of time, they will end up on the Commission's

1 website under this docket.

2 MR. WELCH: It'll be at least two weeks before
3 it's available.

4 MR. MITCHNICK: I think we're ready to get to our
5 speakers. The first one will be Suzanne Knapp with Governor
6 Risch's office. Welcome.

7 MS. KNAPP: Thank you. And I'll make a
8 correction. That's Governor Kulongoski's office for the
9 State of Oregon.

10 (Laughter.)

11 MS. KNAPP: My name is Suzanne Knapp, S-U-Z-A-N-
12 N-E K-N-A-P-P, and I'm with the Oregon Governor Ted
13 Kulongoski's office, and I'm speaking on behalf of Oregon's
14 hydroelectric application review team. I do have hard
15 copies here. I'm not sure what your protocol here, if you
16 want to receive hard copies now?

17 MR. MITCHNICK: Yes, and we'll make sure it gets
18 filed.

19 (Pause.)

20 MS. KNAPP: I would like to thank FERC staff for
21 coming to Idaho and Oregon and providing an opportunity for
22 the public and all participants in this relicensing effort
23 to present comments on the draft Environmental Impact
24 Statement for Idaho Power Company's Hells Canyon
25 hydroelectric project.

1 Oregon regards this relicensing effort to be of
2 critical importance. This relicensing effort affects many
3 parties, including Idaho Power Company and its customers,
4 federal, state and local agencies, Native American Tribes,
5 irrigators, other water users, environmental groups,
6 recreational interest in the present and future public
7 beneficiaries of the resource.

8 Now before I continue I have one question. How
9 much time do I have?

10 MR. MITCHNICK: As much time as you need.

11 MS. KNAPP: Perfect. A number of fish and
12 wildlife species listed under the Endangered Species Act
13 occur in the project area. The project now forms the
14 upstream boundary for anadromous fish populations in the
15 Snake basin and effects their remaining habitat downstream.
16 The project is also locate on some of the most critical
17 winter range in eastern Oregon for mule deer.

18 Within the draft Environmental Impact Statement,
19 FERC proposes many measures to mitigate for project impacts.
20 Oregon places high importance on resource, cultural and
21 recreational values and thus, we support those measures that
22 mitigate project impacts, protect or enhance natural and
23 cultural resources and improve recreational opportunities
24 without impacting other resources.

25 We therefore support operational restrictions to

1 prevent fish entrapment and to benefit the aquatic resource.
2 We also conditionally support measures proposed in the draft
3 Environmental Impact Statement to augment summer flow for
4 fall chinook, juvenile migration and to provide addition
5 ramping restrictions during the fall chinook rearing period.
6 We further believe, however, that additional refinements are
7 necessary for both measures to provide increase protection
8 for fall chinook salmon and other aquatic resources.

9 While Oregon supports measures to enhance aquatic
10 interest real habitat, we believe the amount and area
11 targeted in the DEIS are insufficient. Tributaries,
12 including the Powder and Burnt Rivers, should be targeted
13 for habitat enhancement. In addition, land acquisition
14 acreage identified in the DEIS is insufficient to mitigate
15 for ongoing habitat loss and mule deer mortality, both of
16 which are caused by the presence in the operation of the
17 project. Additional acquisition and enhancement of
18 terrestrial habitat is needed to comply with Oregon's
19 habitat mitigation policy.

20 The State of Oregon also believes strongly that
21 there should be a commitment to reintroducing fall chinook
22 salmon into historic habitat upstream of Brownlee Reservoir
23 before the end of the license term. As part of this
24 commitment, Oregon supports the cooperative development of a
25 water quality monitoring plan to track improvement in water

1 quality and fall chinook spawning, incubation and rearing
2 habitat. Also necessary is development and initiation of
3 studies regarding production potential, migration behavior
4 and survival for fall chinook salmon in the Swan Falls to
5 Brownlee Reach of the Snake River. Studies should be
6 conducted to determine migration behavior and survival of
7 fall chinook salmon smolts to potential points of collection
8 at or above Brownlee Reservoir for transportation around the
9 project.

10 Oregon places high priority on immediate actions
11 to reintroduce spring chinook salmon and summer steelhead
12 into suitable Oregon tributaries. Oregon's Pine Creek holds
13 the most promise for reintroduction success, given the
14 current and perspective habitat conditions. Pine Creek
15 contained runs of spring chinook salmon, summer steelhead
16 and Pacific lamprey prior to construction of Hells Canyon
17 Complex and currently supports resident populations of
18 native bull trout, redband trout and species of non-gain
19 fish.

20 Over a hundred miles of spawning habitat is
21 present in Pine Creek. Summer steelhead planted in Hells
22 Canyon Reservoir for high-risk opportunity have been
23 observed spawning in the north fork of Pine Creek. As such
24 development and implementation of a phased fish passage plan
25 for spring chinook salmon and summer steelhead

1 reintroduction within and above the project is warranted and
2 necessary to mitigate for project impacts. To facilitate
3 this effort, Oregon is prepared to consult with Idaho Power
4 Company, federal and state agencies, Tribes and other
5 interested parties with expertise to develop a comprehensive
6 fish reintroduction plan as recommended by FERC.

7 The fish reintroduction plan would include
8 strategies and actions to implement and monitor
9 reintroduction efforts, including identifying stocks and
10 sources of adult or juvenile fish to be used for
11 reintroduction. It would include monitoring pathogens,
12 conducting spawning surveys, assessing juvenile production
13 and developing needed studies. These actions form the basis
14 of an adaptive management strategy to initiate and expedite
15 reintroduction efforts.

16 The strategy built on the proposed modification
17 to the Hells Canyon trap to allow on-site sorting of
18 anadromous and resident fish feces. It also builds on the
19 proposed use of a weir at the mouth of Pine Creek to collect
20 and monitor bull trout, which could be designed to trap
21 spring chinook and steelhead smolts as well as other species
22 of interest. Successful strategies identified from
23 reintroduction efforts in Pine Creek could be used for
24 reintroduction of these species in the Powder River and
25 Eagle, Daily and Goose Creeks.

1 Idaho Power Company's application for water
2 quality certification are being processed by both Oregon and
3 Idaho Departments of Environmental Quality. ODEQ and IDEQ
4 have been participating in ongoing technical meetings with
5 Idaho Power Company in efforts to better define the extent
6 of the proposed project impacts on water quality and to
7 identify potential measures to address those impacts.

8 With respect to temperature, Idaho Power Company
9 is currently working to define the project's temperature
10 impacts on the Lower River during the fall chinook spawning
11 period. Upon resolution of this effort, which appears close
12 at hand, Idaho Power Company will be better positioned to
13 identify measures that are best suited for addressing the
14 project's impacts on Lower River temperature.

15 Idaho Power Company is also working with ODEQ and
16 IDEQ to refine its estimate of project-related impacts to
17 dissolve oxygen levels in the Lower River during the late
18 summer and fall. Given the ongoing refinement of this
19 estimate, Idaho Power Company's proposal to inject an
20 annual 125 tons of dissolved oxygen may be deemed
21 insufficient. Relative to project-related impacts on total
22 dissolved gas concentrations, there are a few additional
23 details that need to be resolved, though ODEQ believes that
24 the company's adaptive management approach is likely sound.

25 The State of Oregon recognizes and appreciates

1 the DEIS's support of measures relating to the diminution of
2 erosion and sediment control at Farewell Bend State Park due
3 to the project; however, this support was not clearly
4 articulated in the staff alternative. Oregon request that
5 FERC include a measure that clearly identifies hardening and
6 protecting the shoreline at Farewell Bend State Park.
7 Oregon also has a concern with a lack of reference in the
8 DEIS to the state's historic preservation office and the
9 communications or lack thereof it has had with Idaho Power
10 Company regarding archeological sites within the proposed
11 project -- their eligibility, potential adverse effects to
12 these sites and proposed mitigation measures. It is
13 imperative that these discussions occurred for concerns to
14 be addressed and agreement reached.

15 Oregon believes that an anadromous fish
16 reintroduction program is a vital element of this
17 relicensing process. Without specific reintroduction
18 actions in Pine Creek and other tributaries within the
19 project boundary, the project would not meet Oregon
20 standards for mitigation, protection and enhancement of the
21 state's natural resources. The anadromous fish
22 reintroduction program is necessary to ensure that resource
23 protection is provided in full for a positive public
24 interest determination.

25 In conclusion, Oregon is eager to participate

1 with Idaho Power Company, the other state, federal and local
2 agencies, Tribes and other interested parties in
3 implementing the necessary programs and plans under the new
4 license to benefit and protect both the natural and cultural
5 resources and the public's recreational opportunities and to
6 mitigate for project impacts. Thank you again for this
7 opportunity to comment.

8 MR. MITCHNICK: Thank you, Suzanne. Thanks for
9 making the trip all the way from Salem. Do you have a date
10 as to when the 401 process may be completed?

11 MS. KNAPP: What I can tell you now is that the
12 application is not -- their issues have not been fully
13 resolves. And at this point in time, it is likely that ODEQ
14 would deny the application.

15 MR. MITCHNICK: Okay, thank you. That's all.

16 MR. WELCH: Harriet?

17 MS. HENSLEY: Just in terms of the schedule, as I
18 understand it, the 401 is due at the end of December and
19 there are a range of options that DEQ can take. We can
20 issue the 401. We can deny the 401. We can fail to act and
21 waive it, which they don't intend to do. It can deny
22 issuance without prejudice for a lack of information and
23 then Idaho Power could submit again with the additional
24 information. Or Idaho Power can withdraw its application
25 and resubmit, perhaps changing its proposals or whatever.

1 So that's the process pertaining to the Idaho DEQ. Is that
2 correct? Is that how you all understand it? Good. Okay.
3 I just wanted to give you that.

4 MR. MITCHNICK: So in terms of timeframes I
5 assume that there will not be a 401 certification by the end
6 of the year. Correct?

7 MS. HENSLEY: It doesn't look like it.

8 MR. MITCHNICK: But there's no clear schedule or
9 timeframe.

10 MS. HENSLEY: Following that?

11 MR. MITCHNICK: Right.

12 MS. HENSLEY: No, because Idaho Power Company
13 resubmits, then we have another -- it starts the year clock
14 running again.

15 MR. MITCHNICK: What sort of state process is
16 there? Is there a notice process or comment period?

17 MS. HENSLEY: Yes, there's public notice and
18 comment periods within the year, I believe -- within the
19 year.

20 MR. MITCHNICK: So if they refiled you would have
21 to go through that process again.

22 MS. HENSLEY: Yes, another year. And Idaho Power
23 Company has also applied for site-specific criteria on fall
24 chinook spawning temperatures and that also requires a
25 public process.

1 MR. MITCHNICK: Would that have to go to the
2 legislature?

3 MS. HENSLEY: I believe it does. I coordinate
4 all the agencies, but the attorney that works for DEQ is
5 much more informed than I am about their specific processes.
6 But I think it would require at least a year, yeah. So
7 we're looking at a continued process, but it's my
8 understanding that Idaho DEQ and ODEQ and Idaho Power are
9 working diligently to try to resolve the water quality
10 issues.

11 MR. MITCHNICK: Okay, thank you.

12 Jim?

13 MR. TUCKER: Thank you. My name is Jim Tucker
14 with Idaho Power Company. Just perhaps a bit more
15 clarification from the company's perspective and the state
16 can chime in to the extent they think it's appropriate.

17 We have been working diligently with both DEQs
18 over the last -- actually more than a year with respect to
19 both of these 401 certifications and we think we've made
20 substantial progress. Now that said, I think we are going
21 to probably run up against the year limitation here and
22 there's going to have to be some adjustment. Either the
23 company's going to have to withdraw its application and
24 refile or there will be a denial, and it's not our wish to
25 have it denied. What we're going to try to do is to work

1 within the system, withdraw the application and refile it
2 before the end of the year so that the clock -- from that
3 standpoint, the FERC will not lose any time with respect at
4 least the next year period.

5 I can't say how long it's going to take in this
6 next one-year process period to reach some type of at least
7 where the DEQ is still comfortable with going forward with
8 their public notice process on our application, but my sense
9 is that we are very close. And I say that because just from
10 what I understand to be some of the most recent discussions
11 between the DEQs and Idaho Power. Now that said, once the
12 DEQs are satisfied that we have addressed the issues they
13 need addressed, it does have to go through the public
14 process obviously; but that will take place during the year.

15 With respect to the site-specific criteria
16 petition that the company's filed, my understanding is that
17 is not a necessary prerequisite for the 401 certification.
18 It is part of the process and might work into the 401
19 certification at some point in time, but it's not necessary
20 for the certification before the certification might be
21 processed and perhaps granted. So we're hopeful that within
22 this next year period we'll be able to resolve the issues we
23 have pending with the DEQs.

24 MR. MITCHNICK: Okay, thank you, Jim.

25 MR. TUCKER: I think that's generally a fair

1 statement.

2 MR. MITCHNICK: Okay, thank you.

3 We will move on to the next speaker and hopefully
4 I'll pronounce the name correctly. Lee Juan Tyler with the
5 Shoshone Bannock Tribe.

6 MR. TYLER: Good day, good morning ladies and
7 gentlemen. I don't know how much time I have, but I'm just
8 going to start flowing.

9 MR. MITCHNICK: Feel free.

10 MR. TYLER: I'll start out with this powerful
11 guidance. God bless our soldier boys. God bless our
12 soldier girls. (Indian chant.) God bless each and every one
13 of us here. God bless America's red, white and blue (Indian
14 chant.)

15 I'll say welcome. Welcome to our regional
16 homelands here. It's a beautiful valley. My name is Lee
17 Juan Tyler. I am the vice chairman of the Shoshone Bannock
18 Tribes. Our chairman, Alonzo Colby, couldn't be here today,
19 so I am here to represent our people.

20 As vice chairman I appreciate the opportunity to
21 present these oral comments to you on the DEIS for the Hells
22 Canyon Project. In addition to these oral comments, the
23 Tribes will be providing written comments later in October,
24 the October 3rd due date. As the governing body of the
25 Shoshone Tribes, I assist in providing the perspective of

1 the Tribes regarding the impacts on tribal reserve treaty
2 rights.

3 Trust assets and cultural resources. Today I am
4 here before you, the Federal Energy Regulatory Commission,
5 regarding the Shoshone Bannock Tribes great concerns and
6 issues of the Hells Canyon DEIS. Since time memorial before
7 Euro-American contact, Idaho's Shoshone Bannock peoples were
8 located at the head waters of four majors rivers of this
9 systems, the aquifers, the sacred aquifer and other rivers,
10 Hot Springs, we had all this territory in the great basin
11 plateau, western plains here in the western United States
12 that we lived on, utilized and traveled the rivers and
13 tributaries of the Salmon and the Snake Rivers.

14 As you are aware, we served underneath our flag
15 and since Lewis and Clark we served as guides taking them
16 over to other people, neighbors as the Nez Perce and other
17 Tribes and Umatillas, the Cayuse and we served under that
18 when Lewis and Clark came here with Sacajawea. She was the
19 first lady veteran. I would say that. Ever since back then
20 and we want to continue that good relationship. So all
21 these tributaries and what I want to get to is they call us
22 the Snake Indians, the Newer River in our language means
23 Shoshone Bannock. They call us the Snakes. That's how
24 Snake River came about and the Snake River and the Salmon
25 River they feed to cleanse the river system, but we also

1 spend time on rivers, tributaries leading to the great basin
2 of Missouri as well a Colorado Rivers. The vast of people
3 descended from these Idahoans now live on the following
4 reservations in southern Idaho as members of the Shoshone
5 Tribes.

6 We hold entitlement to these river systems, which
7 were bequeathed to us, not only by our ancestors historic
8 patterns of use, but also by treaties and other legally-
9 binding agreements made with the government of the United
10 States in the Sacred Fort Bridger Treaty of 1868 and those
11 other treaties which no one ever ratified in areas of this
12 area, Boise and all the other treaties, but due to the Civil
13 War during the 1860s, some were never ratified. The
14 assassination of Lincoln, et cetera, things like that. The
15 treaty we hold now is 1868. The Shoshone Tribe have treaty
16 rights of unoccupied lands of the United States and we
17 manage our fisheries through our treaty priority right in
18 conjunction with our efforts in the federal case, U.S. v.
19 Oregon.

20 The Shoshone Tribes have been involved for many
21 years in the numerous policy production and management
22 processes tied to the Columbia River and the Snake River.
23 We realize the importance of prioritizing of the most
24 important processes due to the limited staff and resources.
25 This includes active involvement in prioritizing the

1 absolutely critical and threshold projects needed to
2 implement a balance between a reliable and inexpensive
3 energy supply with the fish and wildlife needs are impacted
4 by the generation of hydroelectric power.

5 The Tribe's oral testimony will focus on FERC's
6 need to provide additional consideration to government-to-
7 government consultation, compliance with federal law fish
8 passage, off-site mitigation and cultural resource issues
9 not supported by FERC staff. The consultation on August 11,
10 2006 the Shoshone Tribe requested that a government-to-
11 government consultation be completed with the Tribes as soon
12 as possible August 31, 2006. The Tribes received a letter
13 from FERC suggesting that the Tribes consider attending one
14 of the public meetings in lieu of the request for
15 consultation.

16 In a follow-up phone call to FERC made by our
17 attorney, Bill Bacon, the Tribes were told by our Trustee,
18 FERC, that they refused to consider a consultation meeting
19 with the Tribes. Public forms does not fulfill trust
20 responsibility. The Tribes are not members of the general
21 public. We are a sovereign nation, and as our trustee, we
22 demand that FERC adhere to its tribal policy, which affirms
23 a commitment to work with Tribes.

24 Compliance of federal laws, since the initial
25 scoping in 2004, Judge Redden has provided ruling and remand

1 on the federal Columbia River's power system biological
2 opinion. Judge Redden ruled that failure to include dam
3 retirement as an alternative is a violation of federal law.
4 In light of Judge Redden's decision regarding this federal
5 action, does the original scoping document comply with the
6 federal law?

7 Passage and reintroduction - the DEIS refers to
8 numerous studies completed by the project proponent to
9 evaluate the potential anadromous fish reintroduction. The
10 Tribe recently tried to access Idaho Power Company's water
11 quality data on the FERC website, but were unsuccessful. We
12 conducted our own analysis of water quality data above the
13 Hells Canyon Complex utilize the United States Geological
14 Service and the Environmental Protection Agency's data,
15 which showed that water quality is as good and has improved
16 slightly into C.J. Stripe Dam since the complex was
17 completed. The Tribes would request that this data be
18 reviewed to further evaluate the potential of anadromous
19 fish reintroduction.

20 As with the FERC staff, the Tribes were also
21 concerned that no resource agency submitted a reintroduction
22 plan for about the Hells Canyon Complex, and we request that
23 a reintroduction plan be completed before relicensing is
24 approved.

25 Off-site mitigation - the Shoshone Tribes

1 recommend that Idaho Power Company develop two hatcheries in
2 the Yankee Fork of the Salmon River and Panther Creek for
3 the purpose of recovery of wild stocks of anadromous fish.
4 The FERC staff concluded the purpose of recovery of wild
5 stock anadromous fish, the FERC staff -- this is unlikely
6 that these stocks are impacted by Hells Canyon operations
7 and therefore will not be considered as part of the staff
8 alternative.

9 The Tribes consider this recommendation to be an
10 off-site mitigation to mitigate for the continued
11 destruction of Tribes anadromous fisheries above the Hells
12 Canyon Complex.

13 Cultural Resources - the FERC staff recommends
14 removal of educational scholarships identified by Idaho
15 Power Company and their Native American programs citing a
16 lack of nexus to the project. The Tribes disagree with this
17 statement and content that Hells Canyon Complex destroyed a
18 primary tribal sustenance fishery and altered our
19 substainent lifestyle patterns and culture forever. We are
20 a culture clinging to its tradition and substainent
21 lifestyle, but today subsistence requires money -- money for
22 gas, money for food, money for education, money to exist.
23 In order to protect our culture and its connection to this
24 project, area resources for the term of the license we must
25 educate our tribal people so we can continue to have

1 meaningful participation in future resource-related forums.

2 So in summary, the Shoshone Bannock Tribe
3 emphasize that the FERC's need to adhere to its tribal
4 policies and provide for its trust responsibility through
5 meaningful government-to-government consultation with the
6 Tribes. The FERC must consider recent federal rulings to
7 determine if the scope of the project still meets the intent
8 of federal law. The FERC must also consider data and
9 analysis completed by the Tribes and the need to have a fish
10 reintroduction plan completed prior to issuance of the new
11 license.

12 The FERC should strongly consider the Tribe's
13 request for off-site mitigation for the destruction of a
14 significant tribal fishery and the subsistence lifestyle has
15 been drastically changed by the destruction of the Snake
16 River fishery and how we must become educated to protect our
17 culture and to continue to exist to survive. The Tribes
18 promote the natural ravine ecosystem as high significance to
19 the Shoshone Bannock people and culture. The Shoshone
20 Tribes are situated high at the headwaters of the longest
21 traveled anadromous fish species in the world and provide
22 unique and proactive advice and techniques for the recovery
23 and protection of these animals.

24 We invite the FERC and staff to travel to the
25 Fort Hall Indian Reservation and to the reservation

1 management areas to learn more about our subsistence
2 practices and the management of our production habitat and
3 harvest programs. We appreciate the opportunity to provide
4 this testimony to the Federal Energy Regulatory Commission
5 and we will continue to build a strong relationship with
6 everybody involved. And I want to say thank you to
7 everybody for this time and opportunity and have a great
8 day. Thank you.

9 MR. MITCHNICK: Thank you Mr. Vice Chairman.

10 MR. TYLER: Also, I have this to give to you. I
11 guess I'll give it to you.

12 MR. MITCHNICK: Thank you, Mr. Vice Chairman.

13 We realize how long a trip it is for you to come
14 to Boise, so we really do appreciate the time that you've
15 spent here with us. Thank you.

16 MR. WINCHELL: Also, I want to encourage -- I
17 imagine you plan to anyway, but to submit your analysis of
18 the water quality data, may sure you get that into the
19 record with your comments. So if you could file that
20 analysis with your comments, that would be helpful for our
21 analysis.

22 MR. MITCHNICK: The next speaker is Alison Beck
23 Haas with the U.S. Fish and Wildlife Service.

24 MS. HAAS: That's Alison, A-L-I-S-O-N. The
25 second name is Beck, B-E-C-K. The third name is Haas, H-A-

1 A-S.

2 The comments of the Department of Interior will
3 be submitted by the deadline consolidating the review of
4 BLM, Bureau of Reclamation and Fish and Wildlife Service.
5 Those are pre-decisional, so we don't have a lot of detail
6 today about our response to the draft Environmental Impact
7 Statement. I did want to preview a couple of issues that
8 we've identified, and then if there's a period of time for
9 question and answer, my staff may have some clarifying
10 questions.

11 The primary issue that we've identified, Fish and
12 Wildlife Service, and I'll speak momentarily for BLM as
13 well, with the draft Environmental Impact Statement is
14 around the alternative presented. A key issue alterations
15 to the mandatory conditions under 4e in Section 18 and we
16 ask that those be included verbatim as filed in our January
17 2006 preliminary terms and conditions.

18 The Fish and Wildlife Service is concerned about
19 the breath and number of 10j recommendations that have been
20 rejected by the FERC in their staff alternative, and the
21 proceeding in October we hope that you will give due
22 consideration to our position with those 10js. The
23 specificity of the staff alternative is problematic for us
24 and you'll see in our written comments that we desire a
25 better understanding of the full components of the staff

1 alternative.

2 Another issue that you'll see documented in our
3 written comments is a concern about the range of
4 alternatives presented. The action alternative, the staff-
5 preferred alternative is the one that is displayed in detail
6 and analyzed in detail. We would look for what NEPA refers
7 to as "sharply differentiated alternatives." A project of
8 this scope ought to have multiple alternatives presented to
9 the public and their impacts analyzed in the draft EIS.

10 As you know, from our recent submission to the
11 Commission with regard to the request for formal
12 consultation, we're concerned that there are pending
13 processes or recently completed processes that aren't
14 reflected in the staff's alternative that ultimately will
15 need to be considered in the recommendation to the
16 Commission for the final license for Hells Canyon. Some of
17 those surround the 2005 Energy Policy Act proceedings of
18 which BLM has submitted terms of agreement that they have
19 with the Power Company that we would expect to be
20 incorporated into the final license alternative.

21 Likewise, the 10j proceedings I referred to and
22 the processes that are underway with the state DEQs with
23 regard to water quality are of great interest to us, and we
24 think are important what the final license alternative would
25 look like. Given that, and also because of some concerns

1 that we will provide in writing with the depth and breath of
2 the impact analysis, at this point the Service concludes
3 that it may be difficult to proceed from this draft to a
4 final Environmental Impact Statement and we look forward to
5 watching the process and working together with you as it
6 proceeds.

7 MR. MITCHNICK: Thank you, Alison.

8 The next speaker will be Jonathan Parker.

9 MR. PARKER: Hello, my name is Jonathan Parker,
10 J-O-N-A-T-H-A-N, Parker with a P-A-R-K-E-R, and I'm here
11 representing the Idaho Water Users Association.

12 First off, I just wanted to make clear on the
13 question of whether or not to relicense the Hells Canyon
14 Complex we strongly support relicensing. We agree with the
15 draft EIS conclusion that project retirement and other
16 alternative short of relicensing are not reasonable. There
17 is a continuing need for the power generation provided by
18 the Hells Canyon Complex.

19 We are also opposed to upstream passage of
20 anadromous fish above Brownlee and agree with the draft EIS
21 conclusion that it is not feasible to include passage and
22 reintroduction of fish in the new license. We also commend
23 NMFSS on its decision not to require upstream fish passage
24 as a condition of the license.

25 We are concerned about the draft EIS conclusion

1 that flow augmentation is beneficial to fish migration. The
2 weight of the science suggest that flow augmentation has not
3 provided a meaningful benefit to anadromous fish listed
4 under the Endangered Species Act. With regard to any
5 minimum stream flows included in the license, it should be
6 made clear that such minimum stream flows are subordinate to
7 upstream water rights. That's all I have today. Thank you.

8 MR. MITCHNICK: Thank you.

9 Walt Dortch?

10 MR. WELCH: I just saw Walt leave the room. You
11 might want to come back to him.

12 MR. MITCHNICK: Richard Graves.

13 (Discussion off mike.)

14 MR. GRAVES: Richard Graves, R-I-C-H-A-R-D G-R-
15 A-V-E-S with National Marine Fishery Service. I personally
16 very much like public meetings because I think it reinforces
17 to all of us in federal service the importance of what we
18 do. The decisions that are going to be made with this
19 project, through both the FERC relicensing Federal Power Act
20 process and through the Endangered Species Act consultation
21 processes are going to have long-term effects on the
22 communities in Idaho. The resource agencies and things
23 they're trying to do -- recover species, mitigate for other
24 projects, enhance opportunities for hunting, fishing, et
25 cetera.

1 This particular project is especially difficult
2 for a number of reasons. Its geographic location. It's
3 between a bunch of upstream federal storage projects
4 irrigation and its downstream of those, sorry, and its
5 upstream of the federal Columbia River Hydro System where
6 lots of anadromous fish are currently migration. The
7 National Marine Fishery Service at present is working on
8 recovery plans. There is a state river basin recovery plan
9 ongoing. I don't have specific timelines for you, but we
10 will try to include that in our comments that we will also
11 file on October 3rd.

12 The National Marine Fishery Service is interested
13 in trying to reach the most comprehensive agreement on the
14 suites of measure that make sense for this project to
15 balance the needs of all the different parties that you're
16 hearing speak today. We're committed to an effort and we
17 would just like to stress that the quality of the final
18 product should be something very much on FERC's mind as well
19 as just meeting timelines.

20 These things are difficult to do. They're not
21 easy to do that's why we're all here and we would just ask
22 for your patience and for your help in working through all
23 of these important issues. Thank you.

24 MR. MITCHNICK: Thank you, Ritchie.

25 John Heimer.

1 MR. HEIMER: I'm John Heimer, J-O-H-N H-E-I-M-
2 E-R. I'm speaking for myself today. I'm a retired fishery
3 biologist from the Idaho Fish and Game having spent 33 years
4 there with the Fish and Game as a biologist, and during that
5 period of time I worked a tremendous amount with the Federal
6 Energy Regulatory Commission on numerous projects within the
7 State of Idaho. One project I didn't work on was Hells
8 Canyon, either FERC -- from the standpoint of FERC
9 relicensing fortunately or unfortunately. I can't say on
10 that.

11 My comments today are going to be somewhat
12 generic, but I can remember as a grad student in 19 -- I
13 think it was '62 or 1963 -- taking a field trip to Brownlee
14 Reservoir and it was just fairly recently completely and I
15 don't know exactly what year that was and a fish and
16 wildlife biologist there by the name of Terry Dirken pointed
17 out the skimmer net that was about 30 or 40 feet deep that
18 went across the front end of Brownlee Reservoir all the way
19 across the front and the fore bay, and the purpose of that
20 skimmer net was to intercept downstream migrating smolts and
21 then after the net intercepted them into a pocket of some
22 sort, moved the smolts over the dam. I was young, fairly
23 idealistic and I thought, boy, this is going to work out
24 okay. How wrong I was. It didn't work out at all.

25 In a few short years the skimmer net had big

1 holes in it and it was gone, and the promises that were
2 given us at that time on how we were going to maintain fish
3 populations and how everything was going to be copacetic
4 didn't turn out to pass. And so what I've seen over the
5 years with FERC requirements of licenses is numerous
6 requirements that are state in licenses and those
7 requirements, on the ground, are never met because an
8 attorney in Washington, D.C. doesn't think those requirement
9 in a small project in Idaho are important, at least compared
10 to the big things.

11 Now I'm not saying that Idaho Power is guilty of
12 this. That's not my point. But I've seen these numerous,
13 numerous requirements in FERC licenses that were supposed to
14 be met that were never met, never met because somebody
15 didn't put in a flow gate. Somebody didn't do this.
16 Somebody didn't do that because it's expensive and there's a
17 thousand reasons, and FERC in Washington, D.C. looks at it
18 like that's pretty, pretty minor -- an attorney. They're
19 not coming out to Idaho to look at these "small things."

20 So what happens on the ground and what's required
21 in a document are two totally different things. In a
22 document we say fish are coming up the Columbia and Snake
23 Rivers, but if you read the editorial in the Statesman this
24 morning, the Idaho Statesman, there's an excellent editorial
25 about maybe what we should do with some of the dams on the

1 Snake River in order to get fish back. And unfortunately, a
2 lot of time we listen to somebody that doesn't know a lot
3 about it, an engineer that thinks they can pass fish without
4 any conception of the biology of the fish. The Idaho
5 chapter of the American Fishery Society a few years ago ran
6 a study and they decided, the biologists in Society, 96
7 percent of them said the best way to save salmon and
8 steelhead in Idaho was to eliminate the Snake River dams.

9 But that's not what we're here for. We're hear
10 to talk about the Hells Canyon Complex and how we can make
11 that better in the future than its been in the past, and
12 truthfully I don't think we can. We have to be realistic.
13 If we want power, we can do it. But if we want fish, we
14 can't. There's a tradeoff and unfortunately fish lose in
15 virtually every trade off.

16 So there's been a lot of money spent on projects
17 like this with virtually no results, and the thing that
18 quickly comes to mind there in Hells Canyon is the
19 introduction of silt downstream to build up the beaches when
20 we maintain the flow or the power peaking or the load
21 following or whatever the definition is today the same.
22 Guys, that's a lot of money spent to flush silt down the
23 stream. I'm not saying we shouldn't do. I boat Hells
24 Canyon once or twice a year. The fact is I've got a
25 scheduled boat trip the last weekend in this month to float

1 from Hells Canyon Dam to Pittsburgh Landing and one of the
2 biggest problems down there is there's just no beaches.

3 So what I'm saying realistically what happens and
4 what's in part of this is totally different than what
5 somebody can write on a piece of paper. Salmon and
6 steelhead are a very valuable asset to Idaho. Just the last
7 few years their numbers have went down fairly dramatically
8 and we're at the point in this state where we very easily
9 could lose everything. And economically, we have towns like
10 Riggins, Challis, Salmon that depend on those. We had towns
11 above that complex that depend on salmon and steelhead. The
12 Weiser River was full of them, you know, but we've lost
13 those. So anything we can do to enhance those populations
14 and bring them back is very, very important. And I said
15 "bring them back," not what we write on paper because it's
16 extremely valuable, those resources, to the State of Idaho.

17 Power resources are valuable, fish and wildlife
18 resources are also very valuable. So I hope that in the
19 final document this is reflected and I hope that my kids or
20 my kids' kids can go down there and fish for salmon maybe
21 like they used to in the Hells Canyon Complex 50 years ago.
22 I think you for the opportunity to be here. I thank you for
23 coming to Boise to listen to us, but your decision will
24 effect where we are now and where we're going in the future.
25 Thank you.

1 MR. MITCHNICK: Thank you, John.

2 (Applause.)

3 MR. MITCHNICK: The next speaker is Walt Dortch.

4 MR. DORTCH: Hi, my name is Walt Dortch. I'm
5 with the U.S. Forest Service, the Pacific Northwest region.
6 I spell my last name D-O-R-T-C-H, and I too would like to
7 thank you all for the opportunity to speak with you here
8 today and to address some our concerns with respect to the
9 DEIS.

10 We acknowledge the daunting task that that is.
11 Folks have mentioned that everything about this project is
12 big. I think the, at least in my experience, the license
13 application itself is the largest that I'm aware of that's
14 every been filed. The extent of the resources, the number
15 of the participants and perhaps, most importantly, the
16 significance of long-term implications for resources in
17 energy production that will arise in the requirements of
18 this license. It's the biggest show in town for the Pacific
19 Northwest, indeed, for the Forest Service it's the largest
20 project that the agency will participate in relicensing.

21 For this reason, we respectfully submit that the
22 FERC staff carefully and fully consider the record and
23 agreements reached by the parties intended to resolve issues
24 as they craft a preferred licensing alternative in the FEIS.
25 We're here today, I'm here today to summarize our key

1 concerns with the DEIS. We'll be providing additional
2 details and comments in our filing on October 3rd.

3 First, we find that staff's recommendations with
4 respect to several 4e conditions are contrary to the
5 information that you have in the record and are not
6 supported by any new analysis in the DEIS. Staff provide no
7 analysis to support their conclusion that implementation of
8 the sandbar restoration plan required in the Forest Service
9 Term and Condition No. 4 will adversely affect the bald
10 eagles or recreation. There's no analysis that supports
11 that statement.

12 The executive summary of the DEIS states that
13 staff did not include measures that we find are not
14 justified or unrelated to the project or would not provide
15 benefits over the staff developed measures. We find no
16 place in the DEIS where those criteria are taken up with
17 respect to Condition No. 4. Staff states elsewhere that
18 there is no nexus between the project and trail use in their
19 recommendation to reject or modify Forest Service Condition
20 No. 20, however, the record is replete with information with
21 respect to project-related use and no analysis provided in
22 the DEIS would argue to the contrary. We'll be providing
23 other comments similar to this with respect to other
24 conditions and recommendations that the agency has filed.

25 As Alison mentioned, and you all are caught up in

1 things as we are always caught up in, and we'll get to trial
2 riparian in a minute, but the Cushman Decision we think, as
3 I'm sure you do, is a very important one and we would ask
4 that the FEIS address the implementation in their entirety
5 and without limitation Forest Service Terms and Conditions
6 filed under Section 40 of the Federal Power Act.

7 It is our view that the requirements at 4e
8 conditions are not limited to areas of the National Forest
9 that are within the project boundary as, for examples, staff
10 proposes for Forest Service Conditions 1 and 2. Forest
11 Service view is supported by the Cushman Case, which states
12 "So long as some portion of the project is on the
13 reservation, the Secretary is authorized to impose any
14 conditions that will protect the reservation, including
15 utilization on the reservation in a manner consistent with
16 its original purpose."

17 We think that staff should embrace and recommend
18 the adoption of conditions arrived at as a result of the
19 provision of the Energy Policy Act. That Act does a number
20 of things and of course we all know that it creates a trial
21 riparian process that would resolve issues of material facts
22 related to the evidence supporting terms and conditions
23 filed by agencies such as the Forest Service. What,
24 perhaps, is less observed is that it also creates a process
25 whereby the licensee and others can file alternative

1 conditions to those filed -- the preliminary conditions
2 filed by our agency and others with mandatory authority, and
3 we're troubled in several respects.

4 That, one, while the alternative conditions are
5 noted that they have been filed, there is no recognition of
6 the effort that went into them and that they are intended
7 and, in fact, did resolve the trial riparian issues. And so
8 the trial riparian process, at least from my perspective for
9 the Hells Canyon proceeding, we didn't resolve anything in
10 Court. What it did, from our agency's perspective, is
11 showed that we were really closer together than we were
12 apart and the intensity and the focus of that process
13 created the energy for us resolve issues that the Forest
14 Service feels that now we have arrived at conditions which
15 fulfill our responsibility to protect the National Forest
16 Reservation, which are supported by the Idaho Power Company,
17 and here again, we have reached a settlement as a result of
18 -- perhaps an uncontended result, but a very beneficial one
19 that's associated with trial riparian.

20 As I was discussing with Alan earlier, we are
21 very troubled here, as we are elsewhere, for proceedings in
22 Pacific Northwest, which include settlements that have been
23 filed on the Lewis, Baker, Pelton, and Clarkamas proceeding
24 where it seems that rather than using the broad authority
25 that the Commission has to embrace settlements in resolution

1 of issues and where there are, at least in our view, there
2 is no evidence in the record, there's no policy written or
3 nothing in law that would prevent the staff from moving
4 forward with recommending adoption of solutions instead of
5 nitpicking and taking those things apart. We are very
6 troubled by that. And here again, it appears to signal a
7 shift in what the written Commission supporting settlement.

8 Last and very significantly, the FEIS should
9 address the Wild and Scenic Rivers Determination filed by
10 the Forest Service and we, I must admit, are still reading
11 each and every page of the DEIS; but our review indicates
12 that nowhere in the DEIS is it recognized that the river
13 managing agency has filed a preliminary determination under
14 Section 7 of the Wild and Scenic Rivers Act, which finds
15 that without sandbar restoration below Hells Canyon Dam
16 there would be unreasonable diminishment of the Snake Wild
17 and Scenic River and I think most folks here know that FERC
18 cannot license a project where that determination has been
19 made.

20 Yet, despite that filing, which was provided
21 along with our preliminary terms and conditions and the
22 analysis in it, as I say, while not recognized at all as far
23 as we can tell in the DEIS, it flatly contradicts the
24 conclusion reached by staff in Section 5.4, where we
25 conclude that the project by proposed Idaho Power, and as

1 described in the staff alternative, would be consistent with
2 the applicable comprehensive plans is incorrect.

3 I thank you for providing the opportunity for us
4 to comment today, and as others have said, we look forward
5 to working with you as closely as we can to build an FEIS
6 that resolves issues for the relicensing of this project.

7 MR. MITCHNICK: Could you comment on the schedule
8 for the final terms and conditions?

9 MR. DORTCH: We've already filed a number of
10 alternative conditions as you all know. We will refile
11 those along with our alternative conditions -- I mean we'll
12 file modified terms and conditions on October 3rd and we're
13 changing our practice a little bit. We're going to call
14 those and line up with Fisheries and Fish and Wildlife
15 Service. Those will be our final and we're going to reserve
16 the authority to change them based on significant new
17 information that might come forward in the FEIS.

18 MR. MITCHNICK: Okay. Thank you.

19 MS. HALL: Walt, I had one question about the
20 Energy Policy Act and the trial riparian and the procedures
21 that took place. I just want to say it sounds like that we
22 didn't achieve what we were trying to achieve, which was to
23 keep very close tabs on that process. Indeed, in order to
24 try to keep on our timeline what we tried to do was read,
25 recognize, understand the original 4e recommendations that

1 were made and then the alternatives that were submitted and
2 be sure that we were on top of all of those as well as where
3 those issues were resolved and Idaho Power withdrew its
4 alternatives and the agencies submitted revised -- and
5 that's what we were trying to write about in the EIS so that
6 we felt like that reflected all the process that had gone
7 one. That we didn't have to talk about the things that had
8 been originally recommended and originally offered as
9 alternatives, but just cut to the chase and go to whatever
10 it is you submitted as revised conditions. That was our
11 intent. So did we not make it.

12 MR. DORTCH: Ellen, I think you captured that. I
13 think you -- you know, we realize that was a last minute
14 thing that based on the production schedule you folks were
15 likely under. I think you captured the changes. That's
16 less of an issue and recognized that alternative conditions
17 have been filed. I think where we were disappointed is that
18 it was under played. I think the significance of that, No.
19 1, that if the Forest Service and the licensee had reached
20 an agreement, Idaho Power also filed an alternative
21 condition identical to that which the Forest Service filed.
22 So I think that is a flaw that the DEIS understates the
23 significance of that outcome.

24 And No. 2, it's not clear why, given what we
25 understand about the authority you all have and what's in

1 the record, why didn't you just move forward and endorse
2 those conditions rather than tweaking them a little bit here
3 and there, and for Condition No. 4, just outright rejected.

4 MS. HALL: Okay, thank you.

5 MR. DORTCH: Yeah.

6 MR. WELCH: I had a question for you. You
7 mentioned, and I didn't get the condition numbers and I
8 don't have your preliminary conditions in front of me, but
9 you spoke a little bit -- after you were talking about the
10 Cushman Decision, you spoke about a couple of conditions
11 that we said applied to only Forest Service land within the
12 project boundary.

13 MR. DORTCH: Conditions 1 and 2.

14 MR. WELCH: Conditions 1 and 2. Okay. Just to
15 let you know, when we do that in our NEPA document that is
16 that it's our feeling that that is of the extent of the
17 project effect on the reservation. Putting Cushman aside
18 just for a second, it would help us if -- sometimes we get
19 conditions from the Forest Service, and I don't know what
20 this one exactly said; but it says things like "things in
21 the project vicinity" and "the project area" and that's
22 difficult for us to kind of put our arms around about what's
23 the extent of the intent of the measure. So if you could be
24 as specific as you can on those measures about sort of what
25 the geography of it is. Does it apply to the entire

1 reservation everywhere? That would be helpful to us.

2 MR. DORTCH: I think we have in this case. The
3 problem we have here there's several facets to it. One is
4 the I think the terms and conditions that identify specific
5 measures are pretty site-specific in terms of where things
6 are going to happen and those activities are inside or
7 outside or adjacent to the project boundaries. So those
8 Conditions 1 and 2 relate to implementation of activities.
9 So I think they're linked. That's a difficulty you don't
10 have there, and I guess elsewhere, Tim, the problem has been
11 a lot less administrative. It's where the staff has said
12 that the project affects are limited by the delineation on
13 the project boundary and have come forward with, yes, we've
14 dealt with that Alan. We're dealing with it at Peltan and
15 at Box and they've said, yeah, the condition applies within
16 the project boundary and it splits a site. It splits a
17 recreation site that a condition applies to. So that's not
18 an Hells Canyon issue. We don't need to get into that, but
19 hopefully they are linked well enough that you can
20 understand that those things relate to the site-specific
21 measures and the other conditions.

22 MR. MITCHNICK: Thanks, Walt.

23 In response to what you said or based on what you
24 said, a lot of you may not be aware of the Cushman Decision
25 and I'll talk a second on that. On August 22nd, the D.C.

1 Circuit issued a decision on the Cushman Project at Tacoma
2 Power project in Washington where basically it found that
3 the Commission could not reject a 4e condition and we're in
4 the process of interpreting that decision and figuring out
5 how it would affect future licenses.

6 The second thing, you mentioned the size of the
7 record in this project and it is probably the largest record
8 that I can remember. It's roughly 90,000 pages and if you
9 spread that end to end it would cover about 15 miles, so
10 sometimes I have just a little too much time on my hands.

11 (Laughter.)

12 MR. MITCHNICK: So it is an amazing record out
13 there and it continues to grow on a daily basis and we're
14 not done yet.

15 Is there anybody else who wants to speak before
16 we -- Jim?

17 MR. TUCKER: Yes, my name is Jim Tucker again
18 with Idaho Power Company. I just want to speak for a
19 moment, mirror some of the comments that were made by the
20 Fish and Wildlife Service, Interior, essentially, and also
21 the Forest Service; particularly, with respect with the 4e
22 conditions and the impact of the entire Energy Policy Act
23 proceeding.

24 We think that -- let me start from the standpoint
25 that that Energy Policy Act process was initiated with the

1 expectation that it would give us a forum where we could
2 resolve factual issues relative to mandatory conditions
3 brought by the agencies. It turned into a whirlwind of
4 litigation, if you will. I mean it was intense litigation
5 in a very short period of time on a myriad of issues that
6 really brought the parties face-to-face with the realities
7 of their particular positions and our particular positions,
8 and it fostered in almost every instance that we had, in
9 fact, I think every instance that we had -- I mean under
10 that process -- a resolution of our differences.

11 It fostered the settlement or the agreement upon
12 certain 4e conditions that the company felt were reasonable
13 and that the agencies felt appropriately addressed the
14 resources issues that they felt needed to be dealt with on
15 their particular reservations. So in large measure, it was
16 a success. It was a great deal of work, a great deal of
17 money spent by the agencies and also the company. But our
18 concern now is what we find is that in the content of the
19 FERC process that those Energy Policy Act proceedings and
20 what came out of those proceedings may not be given the
21 importance or the level of appreciation that really we think
22 they should.

23 As a consequence, we have -- and I'll pick
24 Condition No. 4 with the Forest Service -- we have a
25 situation where we felt that in kind of the crucible of

1 litigation, if you will, we resolved the issue relative to
2 sediment depletions downstream of what might be an
3 appropriate remedy at least in the eyes of the Forest
4 Service to resolve those issues on their reservation. We
5 find now that we're back in before FERC and we may find
6 ourselves in a place where there might be additional
7 measures to what we have previously thought were resolved
8 through the Forest Service process, and what it's going to
9 do, if that kind of theme continues -- because we do have
10 certain stipulations with the Forest Service relative to our
11 agreements -- it might unravel that agreement that we put
12 together through the Energy Policy Act proceeding.

13 So we were the first project in the barrel, so to
14 speak, with respect to the Energy Policy Act. We were the
15 first ones out of the blocks. It was a new process for
16 everyone, but it did result in, we think, some rather
17 meaningful agreements between the resource agencies and the
18 company. Now we have to figure out how to weave those
19 Energy Policy Act benefits that came out of that process
20 into the FERC process. We're going to have some more to say
21 about this in our October 3rd comments, but I wanted to
22 alert you that we are concerned as the agencies are with
23 respect to how these particular agreements, these revised
24 preliminary conditions were dealt with respect to the DEIS.
25 Thank you.

1 MR. MITCHNICK: Thank you, Jim.

2 Is there anybody else who might have signed up to
3 talk or would like to talk?

4 MS. COX: I'm Claire Cox, C-L-A-I-R-E C-O-X and
5 I'm just on behalf of myself and perhaps the rivers and the
6 fish. Roughly 30 years ago I was working for the Forest
7 Service as a YACC member down building trails along
8 Pittsburgh Landing down in Hells Canyon and feeling very
9 heady. I was a little granola bar environmentalist who had
10 been fighting for endangered species and I too was feeling
11 pretty good about some of the compromises that had been
12 reached and how we were going to protect the fish and get to
13 enjoy this beautiful new recreation site that had been
14 created. Then I became busy raising children and became
15 less politically active, and now our children are grown and
16 I kind of lift up my head and I look around and I'm appalled
17 at what's going on.

18 I hear lots of people who are proud of the
19 research, the regulations, the things that are going on to
20 try to make this workable for everybody but I don't think
21 the fish nor the river agrees that any of these solutions
22 that are proposed are acceptable in any form. If we truly
23 want to save the rivers and the fish, there is only one
24 solution and that is removal of the dams. The rivers will
25 run free ultimately. It will happen. We may have to become

1 extinct first, but we are the adaptable, intelligent
2 species. It would behoove us to get ahead of the ball there
3 and become able to live with the free-flowing river and
4 perhaps find other alternatives to the energy needs of an
5 ever-expanding, power greedy society.

6 I know that my voice is considered the radical
7 one and a lot of you thought that I had been silenced along
8 with my radical cohorts because now it is fashionable to
9 call people like me an eco-terrorist and threaten me with
10 jail, not directly, but just in the back of my mind I'm here
11 shaking because I know that somewhere there's the risk that
12 I'm being put on some list, so be it. I was not an idle
13 little mother for 30 years. I raised an environmental
14 attorney. Get used to my face. You'll be seeing much of
15 it. Thank you.

16 MR. MITCHNICK: Thank you and we do not maintain
17 any list.

18 Is there anybody else who would like to come up
19 and make a statement?

20 (No response.)

21 MR. MITCHNICK: At this point, we would like to
22 maybe try to get a little more informal. I'm not sure if
23 there are things that people want to talk about or that FERC
24 staff or contract staff would like to ask questions or try
25 to get things clarified like that, but basically I would

1 just like to open up that meeting for that purpose. I'm not
2 sure that we have any specific topics in mind.

3 MR. WELCH: If there's anything that you might
4 want us to clarify that you might not have understood about
5 the staff alternative.

6 MS. HAAS: I just want to tie to Walt and Jim
7 Tucker's comments and prevail you guys to think about
8 whether there's any incentive for the parties to get
9 agreement. It would almost appear to me that there is not
10 an incentive when agreements that are made like the
11 agreements that Walt and Jim detailed and aren't fully
12 raised. And what we have heard throughout this proceeding
13 is that the Commission encourages us to work with other and
14 to work with the Applicant and other stakeholder and to get
15 agreement. But I think we need some kind of comfort that
16 agreements that are arrived at will be incorporated into the
17 license. It's a lot of effort and I'm looking down the road
18 now at some issues that we'd like to tackle with the company
19 together with the other feds and other parties and I'm not
20 confident that there's the value added if the staff
21 recommendation doesn't incorporate those agreements.

22 MR. MITCHNICK: We certainly recognize the
23 concerns out there about the Commission's policies over the
24 last few years to independently analyze these settlements
25 and so we'll see how that will change in the future, but we

1 certainly understand everybody's concern about that.

2 MR. WELCH: There continues to be work at FERC on
3 a settlement guidance or settlement policy, which we hope
4 will clarify the Commission's standing on the types of
5 things that we like to see in settlements. So I would urge
6 all of you to continue to watch the Commission agenda and
7 look for those types of things. I think that will help a
8 lot in formation of some of these settlements. The
9 Commission still encourages settlements and we don't want
10 you to discourage you from talking to each other and coming
11 up with good solutions for environmental problems. but
12 anyway we hope that that guidance will help.

13 MS. HALL: I have one topic and I don't know that
14 it's a topic for all of us at this meeting, but I was
15 thinking since we have a 10j discussion meeting scheduled
16 for October and several of the parties are here, perhaps,
17 after we conclude if you would stick around we might be able
18 to talk logistics a little bit and make a little progress
19 while we're here together on how we want to handle the 10j
20 topics.

21 MR. WELCH: As long as its logistics and not
22 substance.

23 MS. HALL: It's just logistics. It's like which
24 topics shall we talk about on which days, just logistics.

25 MR. WELCH: Okay.

1 I had one thing that I'd like to talk a little
2 bit about is one of the big issues in the document was the
3 ramping rate issue and the stranding issue and it was a
4 rather complex issue that generated a lot of discussion
5 among our staff and we worked pretty hard in putting
6 together what we think is a very good analysis. One of the
7 things that was different in my mind about that particular
8 issue was that when we were looking at the recommendations
9 and the conditions from the Tribes and from the agencies and
10 from Idaho Power proposal of how to sort of solve that
11 problem, unlike a lot of the other approaches to the
12 problems, that seemed to be very diverse among the agencies
13 and the Tribes and not saying that we expected everyone to
14 sort of be locked step in every single issue, but that one
15 was different in that everyone sort of took a different
16 approach to how to solve that problem. They came at it from
17 very different aspects. I'm not trying to get sympathy
18 here, but it just made it difficult. We were trying to
19 compare and contrast each of the approaches and it was
20 really like trying to compare apples and oranges. So I was
21 very curious about why the diversion approach.

22 Now we based our analysis primarily on the Idaho
23 Power Company study, the ramping rate study and as we sort
24 of finished up or document and our analysis it sort of dawn
25 on everybody that people hadn't had a chance to see that

1 study and comment on it. I thought that was the reason for
2 the sort of diverse approaches to it. So I guess a question
3 I have -- if you haven't thoroughly formulated this in your
4 heard, you don't have to make any kind of commitment here.
5 But the study that Idaho Power Company completed has
6 everyone seen that and digested that study and is it
7 something that everyone feels was a good study? Or were
8 there some flaws with it? Those are the kinds of things we
9 might want to hear about today if anybody wanted to speak to
10 that issue or not.

11 Walt?

12 MR. DORTCH: Which studies are you referring to?

13 MR. WELCH: The ramping rate study.

14 MR. DORTCH: (Off mike.)

15 MR. WELCH: Yes.

16 Right, Fred.

17 MR. WINCHELL: It was some surveys that Idaho
18 Power did during the spring. I think it was filed this year
19 on the record and it was monitoring the stranding rates in
20 the pools and it included an analysis of a number of fish
21 that were entrapped or stranded at different ramping rates.
22 So it was not a response to one of the AIRs.

23 MR. DORTCH: (Off mike.)

24 MR. WINCHELL: Yeah, 2005.

25 MR. MITCHNICK: I believe it was filed in

1 February of this year or thereabouts.

2 MR. WINCHELL: Yes. I think it was filed at the
3 same time as some of the sediment wake studies. There was
4 one filing with about five or six different small studies in
5 it.

6 MR. GRAVES: Ritchie Graves, National Marine
7 Fishery Service again. I will not speak for the other
8 federal agencies, states or Tribes, but I will say that back
9 in 1977 the National Fishery Service asked for studies like
10 that to be conducted and they were not throughout the pre-
11 licensing period. In the context of discussions to try to
12 pull a huge number of different parties together for
13 settlement discussions there was an interim agreement that
14 was reached in January of '05, I believe, and that was kind
15 of the genesis. That was one of the elements for conducting
16 these studies. I think Idaho Power Company at that point
17 agreed that there was likely some sort of impact there and
18 that we needed to get a better handle on it.

19 So those studies didn't even start and were
20 fairly preliminary in nature until 2005, and my recollection
21 of what happened was, in good faith, they went out and
22 identified likely places where entrapment and straining
23 might occur and it's a river. Flow conditions came up.
24 Basically, flows went above the project's capacity to
25 influence flow levels, went beyond their generational

1 capacities. So it kind of blew the study out of the water,
2 in essence. There was nothing to study because there wasn't
3 ramping rates at that point and it was way up above where
4 the project actually has control. The same thing happened
5 again this year. They went back out into the field and
6 tried to deploy and I think they got another couple week's
7 data.

8 My assessment, as a technical biologist for
9 National Marine Fishery Service, is there's enough
10 information out there now to know that there are entrapments
11 sites. There are places that are getting disconnected
12 because of ramping operations and because of just the
13 hydrography goes up and down in the spring. That's what it
14 does and there are mortalities associated with that and it
15 varies on a very site-specific basis and that where
16 information is still lacking is in the mid-May and later
17 period where temperatures are likely to be the highest and
18 the impacts are likely to be the greatest, and that was one
19 of the points we tried to make in our 10j recommendations.
20 And that's one of the issues that we would like to pick back
21 up and discuss with FERC in the context of that 10j meeting.

22 MR. WELCH: Okay, fair enough.

23 MR. TUCKER: Hi. My name is Jim Tucker again
24 with Idaho Power Company.

25 Alan, we do have I guess the author that -- if

1 you want to call it a study -- I think it's an ongoing
2 review process the company's involved in and it did come out
3 of the 2005, January 2005 interim agreement. The company's
4 actively engaged in this over a year now. Jim Chandler's
5 here and I think he can give you an overview of what took
6 place, at least in the first year. I think it's a little
7 different than what Ritchie may have described. I think we
8 did get at least some indication and some data that first
9 year. The second year was probably more problematic because
10 of the flows, but we are continuing to have discussions with
11 NOAA and trying to work through these issues and it's
12 adaptive or ongoing process.

13 Jim, do you want to describe just what that
14 review process was?

15 MR. CHANDLER: My name is Jim Chandler, J-I-M C-
16 H-A-N-D-L-E-R.

17 I believe the study that's being referred to is
18 actually a memorandum with the author, Steve Brink, with a
19 memorandum to me. I believe that's the one that you're
20 referring to. It was not part of the AIRs. That came as,
21 Ritchie described, through this settlement, interim
22 settlement discussions. We did initiate a field survey in
23 2005 and that was initiated, starting in March, and it was
24 to extend through June 15. During the first half or more of
25 that field survey, we were able to collect quite a bit of

1 information on the effect of ramping or of load following a
2 particular and stranding indemnified areas under those flow
3 scenarios that we were out there in where stranding occurred
4 and the witch pools had fairly high numbers of fish
5 associated with them and which ones did not.

6 As Ritchie did suggest though, flows did come up
7 towards the end of that study period such that we could not
8 get a full grasp on the effect of stranding in the warmer
9 air conditions that occurred late May, early June. The
10 second year, 2006, the entire year was very high flows and
11 we were not able to obtain additional information as Ritchie
12 suggested, other than we did identify entrapment pools that
13 were formed as flows receded, even flows above or beyond the
14 project capacity. So that's the study that people are
15 referring to. Where that was filed I am not sure. It was
16 mentioned February, but I believe that was through the
17 interim settlement agreement that that memo was developed.

18 MR. WELCH: So needless to say we won't be
19 receiving -- because of the high flow conditions in 2006 we
20 won't be receiving any additional data in regards to that
21 study. That's what I'm hearing.

22 MR. CHANDLER: We will summarize what we did
23 learn in 2006 and during 2006 we were in close consultation
24 with NOAA Fisheries updating them on the results that we
25 were seeing in the field, but because of the high flows

1 there's not a lot of additional information specific to the
2 effects of our operations and entrapment.

3 MR. WELCH: Thanks.

4 MR. MITCHNICK: It's getting close to noontime
5 and everybody's been patiently sitting or standing for
6 almost two hours. I think we're about ready to close up the
7 meeting. I just wanted to know if there are any other
8 topics that people really wanted to talk about today.

9 MS. KNAPP: You had indicated in the draft EIS
10 that the phased fish passage plan would not considered at
11 this time, however, you would considered comments received
12 and reevaluate that proposal. Can you speak to that a
13 little bit more as far as in your reconsideration of that?
14 What does that mean?

15 MR. MITCHNICK: Certainly, one thing -- let me
16 back up. We developed a passage plan and basically trying
17 to make sense of all the different recommendations that we
18 got and different approaches and basically we reviewed all
19 the approaches and came up with what we thought would be a
20 good package of measures that would accomplish the goal.
21 But we didn't believe that the Commission should be leading
22 the charge of restoring, you know, anadromous fish upstream
23 of the basin. That we'd rather see some sort of
24 comprehensive recovery plan or restoration plan or something
25 that would sort of prioritize the different sites or

1 different activities in the upper part of the basin and get
2 a better idea of where Hells Canyon or restoration of the
3 tributaries to Hells Canyon Project sort of fits into that
4 big picture. And absent that, we were hesitate to pursue
5 that approach. So certainly that would be the type of
6 information that we would like to see. Some sort of
7 regional effort, some sort of document or plan or something
8 that sort of indicates that, yes, it makes sense to get fish
9 up the Hells Canyon tributaries. That it's sort of an
10 important part of the restoration effort in the upper part
11 of the basin.

12 Something like that would certainly help us in
13 deciding whether that is appropriate at this time.

14 MR. WELCH: You're right. We did not include
15 that in the staff alternative, however, we took the time to
16 put something together. So we just wanted to kind of throw
17 it out into the general public and just to see what everyone
18 thought about it in general.

19 MS. KNAPP: So if everyone thought positively
20 about what you put forward, where would you go with that?

21 MR. WELCH: Well, we would reflect the comments
22 in our NEPA document, but we'd also have to sort of get over
23 the hurdle that Alan just described as well.

24 MS. KNAPP: So if a fish reintroduction plan were
25 prepared within an acceptable timeline, that would be

1 acceptable to you and you would consider that information
2 and perhaps move forward with actions towards a phased fish
3 passage?

4 MR. WELCH: We'd have to look at that plan and
5 see how it was developed and kind of look at the technical
6 aspects of it, and then the next step would be to look at
7 the comments on that phased plan and it's a possibility we
8 could move forward.

9 MS. KNAPP: And what type of timeline are you
10 considering for evaluating a fish reintroduction plan.

11 MR. WELCH: You know, Alan said that our final
12 EIS will be coming out in February, but remember that we
13 would come out with our final NEPA document but the FERC-
14 NEPA process even continues even after a final NEPA document
15 has been issued all the way up until the Commission's
16 decision. So anything that is filed on the record even
17 after our final NEPA document will be considered by the
18 Commission.

19 MS. KNAPP: Okay, thank you.

20 MR. MITCHNICK: Walt?

21 MR. DORTCH: This is Walt Dortch with the Forest
22 Service. Tim or anyone on the panel, it's always been a
23 little bit of a mystery to me, and to the extent that you
24 can address it here, I'd be interested in what involvement
25 you all have had with the Commission either as a group or

1 singly as you've prepared the DEIS and to what extent, if
2 any, the Commission will be involved as you move to craft a
3 final Environmental Impact Statement?

4 MR. WELCH: As you know, the NEPA document is a
5 staff NEPA document. We, as FERC staff, the reason we
6 prepare that is to present a final document to the entire
7 Commission for review to help them with their licensing
8 decision. As we work on it, you know, I wouldn't say that
9 the commissioners -- they're not involved on a day-to-day
10 basis. We did brief the chairman and talk to him about our
11 document before we sent it out and he was aware of what was
12 going out on the street. The technical staff work for the
13 chairman, Chairman Kelliher, but of course, the other
14 commissioners are always kept apprised of what the staff are
15 doing.

16 MR. MITCHNICK: Harriet?

17 MS. HENSLEY: I just wanted to clarify. My
18 understanding of staff's concern about reintroduction was
19 that there is not a regional plan with some consensus by all
20 parties who are concerned about endangered species for
21 reintroduction of those species, not that there isn't a plan
22 that would address individual tributaries but that there
23 seems to be no consensus in terms of recovery or
24 reintroduction. Is that correct?

25 MR. WELCH: I think you've characterized it

1 correctly.

2 MS. HENSLEY: That's how I read it, you know,
3 that it didn't make sense to move forward when there wasn't
4 even consensus in the region about whether or not that would
5 be a useful thing to do.

6 MR. GROVER: Dean Grover, Forest Service, G-R-O-
7 V-E-R. Like most of the people here, I'm still wading
8 through the EIS. But on my initial review of it, it appears
9 that there's real single focus in terms of aquatic
10 downstream of Hells Canyon Dam. Basically, it seems at
11 times that fall chinook are the only species present there
12 and I think one of our comments is going to be that there
13 needs to be a more broad ecological view of what the effects
14 of the project are on downstream resources and what kind of
15 mitigations should be proposed and implemented at the
16 project to take care of those other resources besides fall
17 chinook, which obviously are very important.

18 MR. MITCHNICK: Thank you.

19 Anybody else in the last few minutes that we
20 have?

21 MS. McLANAHAN: Alison, you mentioned earlier I
22 think maybe in the morning meeting that some of your staff
23 had maybe some specific items they'd like to talk about and
24 I don't know if you want to give us a heads up on items that
25 need clarification in the draft EIS or we should wait for

1 your comments.

2 MS. HAAS: I think you can wait for our written
3 comments, Eileen. I was just leaving an opening in case
4 staff did have specific questions to ask this would have
5 been when those came up and apparently they don't have
6 questions at this time.

7 MS. McLANAHAN: Thank you.

8 MR. MITCHNICK: I want to thank everybody for
9 coming and sitting through two hours. We appreciate your
10 comments. Comments are real important. We look forward to
11 your comments by October 3rd. We want to do the best job we
12 can. We want to get it right. We want to come up with the
13 best answer, and even though it's extremely difficult and
14 perhaps impossible, we want to make sure that our decisions
15 are based on the best information and thank you for coming
16 and look forward to your comments

17 (Whereupon, at 12:01 p.m., the above-referenced
18 matter was concluded.)

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