UNITED STATES OF AMERICA

FEDERAL ENERGY REGULATORY COMMISSION

Joint Meeting With

CALIFORNIA STATE WATER RESOURCES CONTROL BOARD

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Rugraw, LLC Project No. 12496-002

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LASSEN LODGE HYDROELECTRIC PROJECT - Morning Meeting

Cal/EPA Building

1001 I Street

Sacramento California 95814

Wednesday, November 5, 2014

The morning scoping meeting, pursuant to notice, convened at 9:10 a.m., before a joint Staff Panel:

MICHELE LOBO, California State Water Resources Control Board

ADAM BEECO, Project Coordinator, Federal Energy Regulatory Commission

CLAIRE McGRATH, FERC

RYAN HANSEN, FERC

ALAN MITCHNICK, FERC

STEVE CRAMER, Cramer Fish Sciences

with:

CHARLIE KUFFNER, Rugraw, LLC

P R O C E E D I N G S

(9 a.m.)

MS. LOBO: Good morning and welcome to the joint environmental scoping meeting for the Lassen Lodge Hydroelectric Project, which is being held by the Federal Energy Regulatory Commission and the State Water Resources Control Board. My name is Michelle Lobo and I work for the State Water Resources Control Board.

For those unfamiliar with this building, we have a few housekeeping details to go over. The drinking fountain and restrooms are located out of the doors at the back of the room, go left and then left again and the restrooms and drinking fountains will be on your right. Food service is available in the building on the 1st floor. Take the stairs or the elevator to the first floor and the cafe is located across the lobby from the security desk in the main lobby. The cafe only takes cash.

As you might imagine, we also strongly encourage recycling efforts in this building. Please look for the green and tan 3-in-1 containers located outside the doors at the back of the room to recycle your papers, cans and bottles. Please look around you now and identify the two exits closest to you. In some cases an exit may be behind you. In the event of a fire alarm, we are required to evacuate the building. Please take your valuables with you

and do not use the elevators. Staff will assist you to the nearest exit. You may also find an exit door by following the ceiling-mounted exit signs. Proceed down the stairways to a reconvening site across the street in Cesar Chavez Park. If you cannot use the stairs you will be directed to a protected vestibule inside the stairwell. Please obey all traffic signals and exercise caution crossing the street.

Meeting materials are located on the tables at the back of the room. Please sign the attendance sheet so we have a record of who attended this meeting. If you would like to speak, print your name on a blue card like this one and hand it to the court reporter on the right side when you come up to the podium during the question/comment period. This will assist the court reporter with the correct spelling of your name.

This meeting is being webcast so please be sure to speak clearly into the microphone. If you would like to comment but do not plan to speak, put the blue card in the box at the back of the room. For those of you participating via the webcast, you may submit comments or questions during this meeting to auditorium@calepa.ca.gov and we will share your comments during this meeting. This email address also appears on the video screen at the webcast.

Please join me in welcoming Adam Beeco with the Federal Energy Regulatory Commission to get the meeting

underway. Thank you.

MR. BEECO: Hello. My name is Adam Beeco and I am with the Federal Energy Regulatory Commission. This is, again as Michelle said, the joint scoping meeting for the Lassen Lodge Hydroelectric Project for FERC as well as for the California State Water Resource Control Board.

The meeting agenda, there are just a few folks here so we will do some introductions. I think we will just have everybody introduce themselves. We will talk about why we are here, the project, the licensing process that is used by FERC, the proposed project, some of the issues in scoping that have been identified by FERC and we will have some comments, discussions and questions at the very end. Before we get to introductions, I am going to ask that you all stand, face the flag and we will state the #Pledge of Allegiance.

[Pledge of Allegiance]

MR. BEECO: We will start with introductions. Just give your name and the agency which you are affiliated with. Again, my name is Adam and I am with FERC. I am the project coordinator for this project.

MS. LOBO: Michelle Lobo and I am with the State Water Resources Control Board.

MR. HANSEN: Hi. Ryan Hansen of the Federal Energy Regulatory Commission.

MS. MCGRATH: Claire McGrath with the Federal Energy Regulatory Commission.

MR. BEECO: Dan is our court reporter.

MR. TOMPKINS: Jim Tompkins with Rugraw LLC.

MR. LEAPLEY: Phil Leapley with Tetratech.

MS. HOWELL: Virginia Howell with Tetratech.

MR. CRAMER: Steve Cramer of Cramer Fish Sciences, which sub to Tetratech.

MR. BREWER: Good morning. I am Doug Brewer of Brewer Environmental consulting and sub consult to Tetratech.

MR. KUFFNER: I am Charlie Kuffner with Rugraw, LLC. We are the applicant.

MS. MATAVAZI: Emily Morazavi, State Water Board.

MR. MICHNICK: Alan Michnick with Federal Energy Regulatory Commission.

MR. BARNES: Peter Barnes with the State Water Board.

MR. BIONDI: Oscar Biondi, State Water Board.

MS. VALEJOS: Ann Tiabi Valejos, State Water Board.

MR. BEECO: Thank you for those introductions. Just so you know, we have some folks joining us through a webcast as well. Do we know who those people are?

MS. LOBO: Via webcast I think there is Erin

Regazzi with the State Water Board and Nicole Delamar with the State Water Board, and Brianna Dressier with the State Water Board.

MR. BEECO: So it sounds like there are some Water Board folks, some folks with the applicant and FERC. So, this will probably be a rather quick meeting but we have some folks that may be joining us within the next few minutes. We will go ahead and keep moving forward.

All right, so the Federal Energy Regulatory Commission is a federal agency responsible for oversight of non-federally operated hydroelectric projects and Rugraw, LLC has filed an application to construct, operate and maintain the Lassen Lodge Hydroelectric Project. FERC has reviewed the application and we have identified specific resource issues that may be affected by the project that we will be considering in our review of the application and we are holding this scoping meeting to hear comments from the public as well as agencies about the project and resources that may be affected if the license is granted.

So, project history. This project has been around a while but it has changed a lot so we just wanted to make sure everybody was aware of that. It had a different project number when it was originally filed in 1994. There have been some changes since then and the application was dismissed in 1999. Licensing began again in 2001 under a

separate licensing process and in 2007 that licensing process was changed to what we are currently using, which we will talk about in a minute, the traditional licensing process of the TLP. The license application was filed again on April 21, 2014 and this is a current license application. This is the application that is under review now.

So all of the past licensing processes, though the studies may be relevant the application is no longer relevant. A little bit about the licensing process, the TLP. FERC has a number of different licensing processes, but the traditional process begins with the application file which happened in April. Then we go through a study/plan/development phase which we will talk a little bit about and then we go through scoping which is what we are currently doing now. Then study reports are filed and once FERC has determined that we have enough information to evaluate the project and the resources that may be impacted, we will issue what is called an REA notice or Ready for Environmental Analysis notice. After that, when we have determined we have the information, we will begin to write our analysis.

We will have a draft for this project as well as a final EA and then at a later date we will come with an order on whether or not to license the project.

Just to keep everybody up to date, again the

license for application was filed on April 21, 2014. FERC issued a need for additional studies on October 3, 2014. The study plans are due in December 2, 2014 and those required studies were the temperature modeling and several transport modeling studies. Hopefully, today there was an additional request for a study on the Foothill Yellow-legged Frog and hopefully today or tonight we will be discussing whether or not to move forward with that study. We wanted a little additional information about that study request. So scoping, again that is what we are here for today. It is not just these meetings, you can also file comments but we issued a scoping document on October 3rd which is available in the back if you have not already picked that up. We will be taking comments today. Any other comments can be filed with FERC and we will talk about how to do that later in the presentation by December 5, 2014. That is the important date there is December 5, 2014 and tomorrow there is a site visit to the proposed site of the project.

Again, as I mentioned with the REA, FERC will issue a ready for environmental analysis notice indicating that we have enough information to evaluate the effects of the project. At this time, I am going to have the licensee present their presentation on some of the facilities of the proposed action for the project.

MR. CRAMER: Good morning. My name is Steve

Cramer. I am the fisheries scientist at work on this project on behalf of Rugraw. Our firm is Cramer Fish Sciences. I am going to go through an orientation to what the project has in particular being a scientist interested in fish I will probably give that a little more emphasis. I will show you a few pictures so you will have a sense of what the project area looks like, refer you to some maps and had-outs that are here as well so this is a fairly quick orientation.

First of all, there are a couple of really prominent features in the river that are notable and are the bookends to where the project area is. Angel Falls is one to talk about. This is a picture that we actually took, all our crews were out there earlier on a survey. That report has been included in the application documents. This was taken July 4, 2014, flow was 19 cfs at the bridge above Angel Falls and so this should be about 19 cfs coming from the falls at that time. So that is a real notable place that is below the proposed intake for the water. It is halfway between that feature, Angel Falls and Panther Grade. This feature that I am showing you here is where the powerhouse is and would return offload to the stream.

Panther Grade here is shown. You will see the note at the bottom of the picture is June 14, 2013. So the flow is higher than 19cfs at that time so this gives you a

kind of sense of its size. That is me standing down, kind of halfway up the grade. That is what those features look like. Here on a map it shows exactly where you would find the particular features. The right side of this map is the upstream edge and it shows you the diversion is at about 23. I showed you Angel Falls is marked on this map at about 22.2, and there is gauging data that would be used on this thing also at the upper end there is at Highway Bridge 26 which is near about 22.5. Angel Falls then is 0.8 of a mile below where the proposed intake would be placed.

Then as we move down to the area that is marked in red on the stream is actually the project reach. Note that it ends well above the previous feature I showed you on Panther Grade. That one is at 18.9 but the powerhouse is going to be upstream by almost about a mile and a half. Then right below Panther Grade, Panther Creek enters. So this is notable. A couple of important things we will touch on briefly indicate that there is a substantial difference in the ability of the stream to support fish life and in particular anadromous fish life. Below low Panther Grade that is quite different than what there is above Panther Grade in terms of the summer.

Let us just look at the project team here so we know that there are experts that Rugraw has retained to answer the questions that might arise with this. First of

all, I am sorry the white printing here is not showing up well. But, at any rate, the applicant Rugraw has with us here today Charlie Kuffner who is the president and Jim Tomkins the project engineer. They are down in front if anybody would like to talk with them.

The principal consultant leading the team for studies is Tetratech. Virginia Howell is project manager, Phil Leapley is the coordinator and they are both up here in the front row today. Karen Roonconvey, if I am saying her name right, is the person who has got terrestrial botanical resources. Jim Farrell will be handling the historical and archeological issues. Rachel Katz is handling socioeconomic recreational facilities, those kinds of things. Below that, you see who the supporting firms are. I am Steve Cramer and that is the fisheries elements.

We initially had a process in the application where the application was reviewed by, we received review comments from California Fish and Game, National Fishery Service and the State Water Control Board at that point identified several issues that further information was requested upon. That was when a special request was made by I think the Water Control Board, and then was further echoed by FERC that there would be studies to look at temperature modeling within the project effects area and sediment transport within the project effects area.

At that point we brought on, we felt it was absolutely best to do those kind of things so we brought in Waterforce Engineering and that is Michael Diaz, PhD. I have worked with him in the past and he is an exceptional scientist and a real pleasant guy to work with. Then he in turn said that the people he works with who are great on the issues of sediment transport would be Northwest Hydraulic Consultants. Dr. Bob McArthur is on our team there. This is a team of folks who has high regard for one another and have a lot of experience in this area.

Doug Parkinson is on this list. He is a guy who has done a whole lot of field work and you will see him in one of the pictures I will show here. Lynn Compass is a senior archeologist and we have with us Doug Brewer, and he has got wildlife, water quality issues and things of that nature.

Again, one of the things that came up as we saw on remarks of the Panther Grade that had been identified as, debated on whether or not it was really a fish passage barrier. There was reason to stand beside it, I stood beside it and thought well, it could be my imagination. There could be potential passage there at the right flow and it would be some very high flow and we do not know what that was. So California Fish and Game filed a statement that they believed it was passable at some flow and should be

treated that way.

This seemed reasonably appropriate and so later in years finally another study was commissioned. We actually went out and measured it. That is available I think in the filing documents as well but this took measurements clear up to 100 cfs and you see in this picture one crazy guy standing in the middle of the stream measuring the depths of the jump pools. Just so you know, jump pools, the way that US fish and Wildlife service and others, there is a very standard procedure for measuring passability.

The depth of the pool below a jump needs to be 1.25 times as deep as the height they have got to jump. So in other words, if you have to jump 6 feet in like an 8-foot pool below to give the fish enough ability to jump that 6-foot jump. You would see the measurements of Panther Grade at any rate. At the various flows it has been measured now at 24cfs, at 100cfs, and at 180cfs in this picture and at all of those it was not anywhere near passable. Various routes were measured across and it was completely inadequate jump pools all the way across. That does not mean it would never get there at some higher flow but we don't know what that flow is but it was not approaching passability at 180cfs.

That is only a point because this feature is 1.6 miles below the powerhouse so all project flow would have

been returned at a whole mild and a half upstream before it even gets here but this would limit access at any time to even get into the project breech.

There is more to that story that I will touch on in a second. Here is just a quick picture to show you we have done fishery studies and those can be found in the application. One of the notable things we found is we did this survey with flow at the time was 13 cfs. This was in July of 2013. Here we see a picture of a pool. There are a few pools up there and they become a key limiting factor in the operation and the ability of the fish to use that area. Fifteen percent of the area in the bypass reach, that would be below Angel Falls down to the powerhouse where all flow would return, the pools only come to about 15 percent.

Here is why that matters, because the other 85 percent is primarily ripples and rapids. Here you see a picture taken this fall in October. This is even below the powerhouse so this is before they even get the project reach, because of the absence of spring flow coming in which does turn out to off-come in the Panther Grade and down to Panther Creek. You have very little flow in the stream channel and if there is not at least 6 inches deep fish that are any more than 4-5 inches long will not inhabit that, they will avoid that. This leaves them highly vulnerable to birds, raccoons, any kind of surface predators; so we have

way too shallow water and a real rugged place to get. That becomes pretty inhospitable and rearing habitat strongly limits what fish can survive above, well, within the project reach.

There are a couple of new studies in progress just to give you an idea of what they are right here. As requested, we are in the middle of developing a temperature simulation model. That first step is to get review by the agencies and approval but we are on the right course and we are in that process now. We have developed a synthetic temperature flow record that would feed into the assessment of both the sediment and of the temperature and that is in process now. Sediment transport study as requested by FERC is also in process and again, Northwest Hydraulic Consultants is doing that.

Then once those pieces are done, the information gained with the input into a simulation model we have for fish that would model their response as it changes habitat and affects how many fish would inhabit here, what fish could be supported, and what life stages might be at risk. That, too, would happen for the yellow-legged frog and other wildlife and aquatic resources in the area.

There are some interesting findings to date. So there are just a couple to touch on you will find in the information. Recently was filed the base-flow study. A

remarkable finding really this year, we know that Panther Creek is famed for its spring inflows to cool water and abundant flows that are sustainable throughout the summer and the good news is that does exist in the South Fork area. The surprise is that spring flow is absent in the bypass area and the entire stream bed dried up this year for several months of the summer. There was no flow at all whatsoever over Angel Falls.

A half of a cfs starts to come in about a quarter mile above the powerhouse location, so that is only one-half of a cfs. It is only about 1.5cfs by the time it reaches Panther Grade, so you have very little flow and then substantial flow starts to come in at Panther Grade and then in multiple springs between Panther Grade and Panther Creek, and that is about a half-mile stretch in there. That stretch, by the time you get to the mouth of Panther Creek there is 28cfs. It is good, cold water. The springs are coming in so we do have the spring water to support the strong fish life even in the worst of droughts and that water is coming in from Panther Grade to Panther Creek so that is a mile and a half below the lower limit of the project.

Some retention flow is substantially better for that reason because of those springs below Panther Grade than they are above. Panther Grade, as I just showed you,

the passage measurements that were actually made confirm it is not passable at least up to 180cfs. Fish remaining in habitat bypass reach is strong but limited by the low flow as far as pools this year. The fish that were there all died. All pools drained. There were only a couple of residual pools that retained water and the water quality were quite poor. There was dead fish and bird and animal tracks all around licking off whatever they could so it was not a good place to be. Also, the record shows that this has happened in the past just based upon flows we had seen at the upper end above and right near the project intake.

Habitat in the bypass reach is poorly fit for spring Chinook if they were to arrive in the spring and have to hold through the summer. There is very little holding habitat and especially late in the summer, and they would spawn right at this low-flow and I will show you some pictures there. In low seasons there will be no water they, no fish will not be able to spawn there. In good years, there could be water there but of course they would have to get up to Panther Grade.

So, those are just some interesting findings from our studies to date and a whole lot more is coming. That concludes what I would have to say. Let me also say, I did think I said, there is a whole bunch of maps posted up in back and not just maps but diagrams and features of the

actual project facilities and there are maps available so you can look at the project area in the handouts.

MR. BEECO: Thank you. We here at FERC are now going to basically run through the scoping document and go issue by issue that we have identified on our evaluation of the application. We will go ahead and run through that.

The purpose of scoping is to identify issues, identify reasonable alternatives, identify any available information or study needs that we may or may not be aware of, identify cumulative issues and the geographic temporal scope of those issues and also a site visit. As far as cumulative effect goes, the only thing that FERC has identified thus far is aquatic resources and the geographic scope that we have identified is from the South Fork of Battle Creek to the confluence of the North fork of Battle Creek. The preliminary resources, they are listed here. We will have a slide for each one of these. For geology and soils one of the things we will anticipate on evaluating is the effects of project construction on erosion and sedimentation of project lands. For aquatic resources, I will have Claire McGrath read through those, Claire.

MS. MCGRATH: Some of the probable effects we have identified for aquatic resources are the effects of actual project construction, the in-water work and excavation on water quality. This includes potential

effects on temperature, dissolved oxygen and turbidity around this construction site, effects of project construction activities on the potential release of contaminates which could include fuel lubricants and other wastes into the project waters and also effects of the project construction activities on fisheries and aquatic habitat downstream of any construction work.

The effects of project operation on water quality in the south fork of Battle Creek are identified. There are potential effects of project operation including ramping during startup and shutdown and minimum-flow releases on fisheries and aquatic resources in south fork Battle Creek in the bypass region; and effects of bypass operation facilities on upstream and downstream fish passage including entrainment and turbine mortality.

MR. BEECO: All right, and for the terrestrial resources we will have Alan Michnick.

MR. MICHNICK: The first effect we have identified is habitat related effects, the effect of project construction, operation and maintenance on vegetation including habitat loss, habitat degradation, fragmentation and the associated effects to wildlife populations. We have an issue of invasive species, the project construction, operation and maintenance and recreation on invasive plant species. We have an issue of stress effects on wildlife

populations (next slide), effect of construction and project operation on wetlands and riparian habitat. Now we have the disturbance effects, the stress-related effects to wildlife populations from noise, construction activities, human presence including helicopter use, and also we have an effect on special status wildlife species.

In particular, the Foothill Yellow-Legged Frog from construction, operation and project maintenance.

We have identified one federally listed species that could potentially be affected by the project and that is the California Red-Legged Frog. Okay, now to talk about the Yellow-Legged Frog. The Foothill Yellow-Legged Frog is not federally listed under the Federal Status Species of concern.

Cal Fish and Wildlife did provide a study request. They wanted a survey done of breeding habitat of breeding frogs. This is a new issue and that is why we wanted to talk a little bit about it so hopefully the applicant could provide some information. We sort of wanted to better understand why the issue might have come up later in the process. Is it because of sightings that Cal Fish and Wildlife has provided that they were not aware of beforehand so that would certainly help us get a better understanding of the issue and why it is sort of cropped up at the last second? Also, maybe what sort of information we

have on existing habitat, potential habitat for the frog? I mean, do we have any information on just the habitat features in the bypass reach that could be suitable for the Yellow-Legged Frog and perhaps just some insight into the use of the drainage by the Yellow-Legged Frog?

Cal Fish and Wildlife is not here so hopefully we will have an opportunity to talk to them about this issue either tonight or maybe later on. I open it up to the applicant, if they have any sort of insight into this issue that might be helpful.

MR. BREWER: You want me to go up here, Michelle?

MS. LOBO: You can go right here.

MR. BREWER: Oh, Okay. Hello?

I was going to say I will just go up to the podium.

First of all, there is a tremendous amount of data available to do an impact assessment for the Yellow-Legged frog and the Red-Legged Frog. Again, my name is Doug Brewer and I am with Brewer Environmental consulting as a sub to Tetratech and I am going to be presenting numerous points of evidence as to why we really do not need to do any more technical study for Red-Legged Frog or the Yellow-Legged Frog. A lot of this comes from the work of Doug Parkinson who has been studying the river for over 10-11 years, since 1996. Doug has spent more time on that

creek than anyone on the study team, doing stream-flow gauging, Red-Legged Frog surveys, all types of surveys.

One of the main points that he wanted me to pass on today is there is generally the upper part of South Fork Battle Creek is really a very high-gradient, hostile environment for Yellow-Legged Frogs. As you saw earlier in Steve's presentation there is only 15 percent of the stream areas as pools and very shallow. It is Doug"s professional opinion that between the heavy, boulder-dominated stream bed and very steep slopes and lack of overhanging vegetation it is not an optimal place for the Foothill Yellow-Legged Frogs. Now we do have one sighting of Yellow-Legged Frogs by Doug in 2006 that is an observation. He told me he was not able to actually pick up the frog but the reality is over the last ten years he has not seen any of the tadpoles, just another piece of evidence to take into consideration is the lack of him seeing any tadpoles in the bypass reach in the last 10 years, as well as Dr. Cramer's fish scientist team last July 3rd, 4th and 5th I believe, the very detailed habitat assessment survey of the entire stream section with 3 or 4 biologists on that team, no frogs at all were seen in those three days. That was in July of last year.

Also, I was personally on the creek in September installing temperature probes September 4th and during that visit I did not see any frogs of any kind, Red or

Yellow-Legged Frogs. Another professional opinion by Doug Parkinson is the actual reduction in flows may actually be favorable to Foothill Yellow-Legged Frogs in this stretch because of the stream velocities, gradient, the boulder-dominated geomorphology of the stream, that actually reduction of the flows could make things more favorable for the Yellow-Legged Frog.

So at this point I believe the applicant, the study team believes that the PM&E measures that we have recommended and agreed to earlier are sufficient for protection of the Yellow-Legged Frog and any of the in-stream flow measurements that come out of Steve's study will be very protective of both the fish and the frogs.

I think that concludes my evidence on that issue. Any questions?

MR. MICHNICK: Do you know where the state has seen the frogs? There are multiple observations.

MR. BREWER: Yes, and I found that kind of curious. Here in California, Fish and Wildlife maintains the California Natural Diversity Database, which is kind of the Holy Gospel of where we keep special status species records; and one question I had for the Department of Fish and Wildlife was if they in fact have seen the yellow-legged frogs, why weren't they documented, mapped and recorded in the database record with GPS coordinates? Not that I am

questioning their sighting, I am just curious as to why they were not documented. That way, we would have known earlier in the process that they were an issue.

MR. MICHNICK: Are they documented in the database at all?

MR. BREWER: The Foothill Yellow-Legged Frog as you show on Figure 5-1 in exhibit E showed sightings of Yellow-Legged Frogs 18 miles downstream at the peach-knee and lower sections of the South Fork Battle Creek where we have lower gradient and the habitat conditions are much better, but that is very far downstream. The other notable point, too, is that Doug Parkinson and the Tetratech team did a very detailed Red-Legged Frog site assessment study last year and did not find any Red-Legged Frogs in any of the habitat features. Those frogs prefer more ponded water, slower velocities. Speciation and habitat preferences are different for the Yellow-Legged versus the Red-Legged Frog.

MR. MICHNICK: Okay, thank you.

MR. BREWER: Thank you.

MR. HANSEN: I just wanted to jump in real quick. This is Ryan Hanson with FERC. Just on that last bullet for two new species I just wanted to say that several of us are aware that the FERC Environmental Analysis Document will also include an analysis of the effects of project construction and operation on the Central Valley Spring Road

Chinook Salmon as well as the Central Valley Steelhead trou,t as well as the critical habitat for both of those animals which are in the project area. They were not specifically listed in this bullet but I just wanted to make sure everyone is aware that the NEPA document will include those analysis.

MR. BEECO: All right, so with recreation and land use we have not identified any reparation issues. For land use, effects of the project construction of new, permanent and temporary roads occurring during these practices.

AUDIENCE: When will it be evaluated?

MR. BEECO: Aesthetics, the effects of project construction, operation and maintenance on aesthetic resources in the vicinity of the project, cultural resources, the effects of cultural resources that are eligible or potentially eligible for the National Register of Historic places, socioeconomics, the effects of the project on the local economy, and developmental resources, the effects of the proposed or recommended protection, mitigation or enhancement measures on the Lassen Lodge Project economics.

So at this time we are also calling for updated requests for any comments or plans that have not yet been identified in the scoping document and any updates to the

mailing list. Both of those can be found in the scoping document on how to submit the comprehensive plans or submit your name and information to be put on the mailing list.

Again, for FERC, the comments on the SD1, on the scoping document 1 are due on December 5, 2014 and this is also the time when you can make comments on the application. So again, December 5th is the take home date and how to file this information is in the scoping document but all correspondence must clearly show that you are identifying your comments for the Lassen Lodge project and using the P-numbers as appropriate.

FERC has a number of online resources for people, including e-filing which we just mentioned, filing e-comments as well which does not require you to register or anything and then e-subscription. You can e-subscribe to the project. That way, anytime anything is put on the record filed through FERC you will get an automatic email about that which makes it really easy to keep updated on the project and access information, and e-library is also a resource to you that you can look up information on the project or even the project as it was in the past as well on the different project numbers earlier in the presentation.

So the last thing I will talk about before I hand it off to the Water Board is FERC is participating in a site visit to the project tomorrow which is public and agencies

are also invited to participate in. We will be leaving out of Red Bluff tomorrow. You were supposed to notify Mr. Charlie Kuffner by October 31, 2014 but if you are interested in going on that site visit and you have not registered yet, you can speak to Charlie and find out if there is any additional space.

So that is it for FERC and we will had it off to the Water Board.

MS. LOBO: Hi. My name is Michelle Lobo and I work for the State Water Resources Control Board in the division of water rates. I am the project manager of the State Water Board for the Lassen Lodge Hydroelectric Project. Today I plan to discuss some of the background information about the State Water Board including its mission and role regarding the California Environmental Quality Act or CEQA and the Water Quality Certification. I will also discuss the CEQA process, how the public can provide input, types of CEQA documents, environmental resources and the next steps and what to expect. So here is the State Water Board's Mission Statement followed by the State Water Board s website.

The State Water Board's mission is to preserve, enhance and restore the quality of California's water resources and ensure their proper allocation and efficient use for the benefit of present and future generations. The

State Water Board has authority over water rights and water quality to protect California's Water. The State Water Board protects and enforces many water uses including the needs of industry, agriculture, hydropower, municipal districts and the environment and must balance the various beneficial uses of water.

On May 20, 2014, the applicant Rugraw, LLC submitted an application for water quality certification to the State Water Board. The State Water Board regulates hydroelectric projects by issuing water quality certifications under section 401 of the Clean Water Act. Water quality certifications focus on protecting water quality, balancing the beneficial uses of water and considering the existing water rates.

Now we will talk a little bit about CEQA and how it relates to the water quality certification. Since the State Water Board would be making a discretionary decision about the water quality certification, the State Water Board must comply with CEQA. As Rugraw, LLC is not a public agency, the State Water Board is lead agency for CEQA and will decide the type of CEQA document to prepare and the level of Detail in that document. The State Water Board has independent judgment when approving or denying the issuance of water quality certification.

So the State Water Board will use the CEQA

document to develop an assessment of the project. The CEQA document will be used to support the action taken for the water quality certification if issued, including any conditions in the certification. The water quality certification applies to the construction of the project and the operation and maintenance of the project over the term of the Federal Energy Regulatory Commission license.

If a water quality certification is issued, the conditions in it become a mandatory part of the FERC license. Nothing in the water quality certification can preempt federal law, is additive to any conditions FERC places on the project.

Today and throughout the comment period, the State Water Board is seeking comments on the type of CEQA documents that should be prepared, the impacts that should be analyzed, and project alternatives. So the objectives of CEQA include the following, disclosed to the decision makes and the public:

The reason for the significant environmental effects of proposed activities, identify ways to avoid or reduce environmental damage, prevent environmental damage by requiring the implementation of feasible alternatives or mitigation measures, disclose to the public reasons for agency approval of projects with significant environmental effects, foster interagency coordination in reviewed

projects and enhance public participation in the planning process.

Our plan for the CEQA process is to collect written and verbal comments then determine the type of CEQA document to prepare, issue a draft CEQA document for public comment and then issue a final CEQA document. There will be a public review and comment period for the draft CEQA document. The State Water Board plans on releasing a draft Water Quality Certification at the same time as the draft CEQA document.

The State Water Board decided that this project is not exempt from CEQA, so an exemption does not apply. The State Water Board plans to prepare 1 of 3 types of CEQA documents; a negative declaration, a mitigated negative declaration or an environmental impact report called an EIR for short. This meeting will serve as the CEQA scoping meeting if the State Water Board determines any EIR is needed.

Again, as part of the comments requested, as part of this meeting and in the notice, the State Water Board is seeking input on the type of CEQA document to be prepared. If you recommend preparation of an EIR, please provide an explanation of the significant effects that you think may occur. At a minimum, the environmental document will evaluate the environmental resources listed on this slide as

required by CEQA. If the State Water Board prepares an EIR, the EIR will also address growth-inducing impacts, cumulative impacts and significant unavoidable impacts if there are any.

We are accepting written comments until 2:00 p.m. PST on Friday December 5, 2014 regarding the type of CEQA document that the State Water Board should prepare such as a negative declaration, mitigated negative declaration or EIR. This presentation is posted to the Lassen Lodge Hydroelectric Project Webpage. State Water Board staff will work with a consultant to develop a draft CEQA document based on the existing information and any comments collected. There will be a public comment period for the draft CEQA document.

Additional information is available on the State Water Board's web page for the Lassen Lodge Hydroelectric Project. You may sign up online to receive email updates related to the project and Water Quality Certification Program. For signup, go to the webpage noted in the slide. Select State Water Resources Control Board and then enter your email address and full name. Under the categories on the same page below, select Water Rights. Next, select the box for Water Quality Certification and that is the last box, and click the subscribe button at the top.

Again, as a reminder, the comment period ends

Friday, December 5th, 2014. Are there any questions or comments at this time? We have a microphone here at another podium but we also have a roaming microphone for anyone that wants it. Thank you.

MR. BEECO: Just to be clear, at this time questions or comments or anything that FERC has presented, the Water Board has presented or the Licensee has presented, any questions at all and anything in the project.

Just so everybody knows, there are no comments from anyone online either. At this time, we will conclude this government meeting and we will see most of you if not all of you tonight at Red Bluff.

MS. LOBO: Thank you, everyone. Good-bye.

(Whereupon, at 9:55 a.m., the scoping meeting concluded.)

UNITED STATES OF AMERICA

FEDERAL ENERGY REGULATORY COMMISSION

Joint Meeting With

CALIFORNIA STATE WATER RESOURCES CONTROL BOARD

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Rugraw, LLC Project No. 12496-002

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LASSEN LODGE HYDROELECTRIC PROJECT - Morning Meeting

Cal/EPA Building

1001 I Street

Sacramento California 95814

Wednesday, November 5, 2014

The morning scoping meeting, pursuant to notice, convened at 9:10 a.m., before a joint Staff Panel:

MICHELE LOBO, California State Water Resources Control Board

ADAM BEECO, Project Coordinator, Federal Energy Regulatory Commission

CLAIRE McGRATH, FERC

RYAN HANSEN, FERC

ALAN MITCHNICK, FERC

STEVE CRAMER, Cramer Fish Sciences

with:

CHARLIE KUFFNER, Rugraw, LLC

P R O C E E D I N G S

(9 a.m.)

MS. LOBO: Good morning and welcome to the joint environmental scoping meeting for the Lassen Lodge Hydroelectric Project, which is being held by the Federal Energy Regulatory Commission and the State Water Resources Control Board. My name is Michelle Lobo and I work for the State Water Resources Control Board.

For those unfamiliar with this building, we have a few housekeeping details to go over. The drinking fountain and restrooms are located out of the doors at the back of the room, go left and then left again and the restrooms and drinking fountains will be on your right. Food service is available in the building on the 1st floor. Take the stairs or the elevator to the first floor and the cafe is located across the lobby from the security desk in the main lobby. The cafe only takes cash.

As you might imagine, we also strongly encourage recycling efforts in this building. Please look for the green and tan 3-in-1 containers located outside the doors at the back of the room to recycle your papers, cans and bottles. Please look around you now and identify the two exits closest to you. In some cases an exit may be behind you. In the event of a fire alarm, we are required to

evacuate the building. Please take your valuables with you

and do not use the elevators. Staff will assist you to the nearest exit. You may also find an exit door by following the ceiling-mounted exit signs. Proceed down the stairways to a reconvening site across the street in Cesar Chavez Park. If you cannot use the stairs you will be directed to a protected vestibule inside the stairwell. Please obey all traffic signals and exercise caution crossing the street.

Meeting materials are located on the tables at the back of the room. Please sign the attendance sheet so we have a record of who attended this meeting. If you would like to speak, print your name on a blue card like this one and hand it to the court reporter on the right side when you come up to the podium during the question/comment period. This will assist the court reporter with the correct spelling of your name.

This meeting is being webcast so please be sure to speak clearly into the microphone. If you would like to comment but do not plan to speak, put the blue card in the box at the back of the room. For those of you participating via the webcast, you may submit comments or questions during this meeting to auditorium@calepa.ca.gov and we will share your comments during this meeting. This email address also appears on the video screen at the webcast.

Please join me in welcoming Adam Beeco with the Federal Energy Regulatory Commission to get the meeting

underway. Thank you.

MR. BEECO: Hello. My name is Adam Beeco and I am with the Federal Energy Regulatory Commission. This is, again as Michelle said, the joint scoping meeting for the Lassen Lodge Hydroelectric Project for FERC as well as for the California State Water Resource Control Board.

The meeting agenda, there are just a few folks here so we will do some introductions. I think we will just have everybody introduce themselves. We will talk about why we are here, the project, the licensing process that is used by FERC, the proposed project, some of the issues in scoping that have been identified by FERC and we will have some comments, discussions and questions at the very end. Before we get to introductions, I am going to ask that you all stand, face the flag and we will state the #Pledge of Allegiance.

[Pledge of Allegiance]

MR. BEECO: We will start with introductions. Just give your name and the agency which you are affiliated with. Again, my name is Adam and I am with FERC. I am the project coordinator for this project.

MS. LOBO: Michelle Lobo and I am with the State Water Resources Control Board.

MR. HANSEN: Hi. Ryan Hansen of the Federal Energy Regulatory Commission.

MS. MCGRATH: Claire McGrath with the Federal Energy Regulatory Commission.

MR. BEECO: Dan is our court reporter.

MR. TOMPKINS: Jim Tompkins with Rugraw LLC.

MR. LEAPLEY: Phil Leapley with Tetratech.

MS. HOWELL: Virginia Howell with Tetratech.

MR. CRAMER: Steve Cramer of Cramer Fish Sciences, which sub to Tetratech.

MR. BREWER: Good morning. I am Doug Brewer of Brewer Environmental consulting and sub consult to Tetratech.

MR. KUFFNER: I am Charlie Kuffner with Rugraw, LLC. We are the applicant.

MS. MATAVAZI: Emily Morazavi, State Water Board.

MR. MICHNICK: Alan Michnick with Federal Energy Regulatory Commission.

MR. BARNES: Peter Barnes with the State Water Board.

MR. BIONDI: Oscar Biondi, State Water Board.

MS. VALEJOS: Ann Tiabi Valejos, State Water Board.

MR. BEECO: Thank you for those introductions. Just so you know, we have some folks joining us through a webcast as well. Do we know who those people are?

MS. LOBO: Via webcast I think there is Erin

Regazzi with the State Water Board and Nicole Delamar with the State Water Board, and Brianna Dressier with the State Water Board.

MR. BEECO: So it sounds like there are some Water Board folks, some folks with the applicant and FERC. So, this will probably be a rather quick meeting but we have some folks that may be joining us within the next few minutes. We will go ahead and keep moving forward.

All right, so the Federal Energy Regulatory Commission is a federal agency responsible for oversight of non-federally operated hydroelectric projects and Rugraw, LLC has filed an application to construct, operate and maintain the Lassen Lodge Hydroelectric Project. FERC has reviewed the application and we have identified specific resource issues that may be affected by the project that we will be considering in our review of the application and we are holding this scoping meeting to hear comments from the public as well as agencies about the project and resources that may be affected if the license is granted.

So, project history. This project has been around a while but it has changed a lot so we just wanted to make sure everybody was aware of that. It had a different project number when it was originally filed in 1994. There have been some changes since then and the application was

dismissed in 1999. Licensing began again in 2001 under a

separate licensing process and in 2007 that licensing process was changed to what we are currently using, which we will talk about in a minute, the traditional licensing process of the TLP. The license application was filed again on April 21, 2014 and this is a current license application. This is the application that is under review now.

So all of the past licensing processes, though the studies may be relevant the application is no longer relevant. A little bit about the licensing process, the TLP. FERC has a number of different licensing processes, but the traditional process begins with the application file which happened in April. Then we go through a study/plan/development phase which we will talk a little bit about and then we go through scoping which is what we are currently doing now. Then study reports are filed and once FERC has determined that we have enough information to evaluate the project and the resources that may be impacted, we will issue what is called an REA notice or Ready for Environmental Analysis notice. After that, when we have determined we have the information, we will begin to write our analysis.

We will have a draft for this project as well as

a final EA and then at a later date we will come with an order on whether or not to license the project.

Just to keep everybody up to date, again the

license for application was filed on April 21, 2014. FERC issued a need for additional studies on October 3, 2014. The study plans are due in December 2, 2014 and those required studies were the temperature modeling and several transport modeling studies. Hopefully, today there was an additional request for a study on the Foothill Yellow-legged Frog and hopefully today or tonight we will be discussing whether or not to move forward with that study. We wanted a little additional information about that study request. So scoping, again that is what we are here for today. It is not just these meetings, you can also file comments but we issued a scoping document on October 3rd which is available in the back if you have not already picked that up. We will be taking comments today. Any other comments can be filed with FERC and we will talk about how to do that later in the presentation by December 5, 2014. That is the important date there is December 5, 2014 and tomorrow there is a site visit to the proposed site of the project.

Again, as I mentioned with the REA, FERC will issue a ready for environmental analysis notice indicating that we have enough information to evaluate the effects of the project. At this time, I am going to have the licensee present their presentation on some of the facilities of the

proposed action for the project.

MR. CRAMER: Good morning. My name is Steve

Cramer. I am the fisheries scientist at work on this project on behalf of Rugraw. Our firm is Cramer Fish Sciences. I am going to go through an orientation to what the project has in particular being a scientist interested in fish I will probably give that a little more emphasis. I will show you a few pictures so you will have a sense of what the project area looks like, refer you to some maps and had-outs that are here as well so this is a fairly quick orientation.

First of all, there are a couple of really prominent features in the river that are notable and are the bookends to where the project area is. Angel Falls is one to talk about. This is a picture that we actually took, all our crews were out there earlier on a survey. That report has been included in the application documents. This was taken July 4, 2014, flow was 19 cfs at the bridge above Angel Falls and so this should be about 19 cfs coming from the falls at that time. So that is a real notable place that is below the proposed intake for the water. It is halfway between that feature, Angel Falls and Panther Grade.

This feature that I am showing you here is where the powerhouse is and would return offload to the stream.

Panther Grade here is shown. You will see the

note at the bottom of the picture is June 14, 2013. So the flow is higher than 19cfs at that time so this gives you a

kind of sense of its size. That is me standing down, kind of halfway up the grade. That is what those features look like. Here on a map it shows exactly where you would find the particular features. The right side of this map is the upstream edge and it shows you the diversion is at about 23.

I showed you Angel Falls is marked on this map at about 22.2, and there is gauging data that would be used on this thing also at the upper end there is at Highway Bridge 26 which is near about 22.5. Angel Falls then is 0.8 of a mile below where the proposed intake would be placed.

Then as we move down to the area that is marked in red on the stream is actually the project reach. Note that it ends well above the previous feature I showed you on Panther Grade. That one is at 18.9 but the powerhouse is going to be upstream by almost about a mile and a half. Then right below Panther Grade, Panther Creek enters. So this is notable. A couple of important things we will touch on briefly indicate that there is a substantial difference in the ability of the stream to support fish life and in particular anadromous fish life. Below low Panther Grade that is quite different than what there is above Panther Grade in terms of the summer.

Let us just look at the project team here so we

know that there are experts that Rugraw has retained to answer the questions that might arise with this. First of

all, I am sorry the white printing here is not showing up well. But, at any rate, the applicant Rugraw has with us here today Charlie Kuffner who is the president and Jim Tomkins the project engineer. They are down in front if anybody would like to talk with them.

The principal consultant leading the team for studies is Tetratech. Virginia Howell is project manager, Phil Leapley is the coordinator and they are both up here in the front row today. Karen Roonconvey, if I am saying her name right, is the person who has got terrestrial botanical resources. Jim Farrell will be handling the historical and archeological issues. Rachel Katz is handling socioeconomic recreational facilities, those kinds of things. Below that, you see who the supporting firms are. I am Steve Cramer and that is the fisheries elements.

We initially had a process in the application where the application was reviewed by, we received review comments from California Fish and Game, National Fishery Service and the State Water Control Board at that point identified several issues that further information was requested upon. That was when a special request was made by I think the Water Control Board, and then was further echoed

by FERC that there would be studies to look at temperature modeling within the project effects area and sediment transport within the project effects area.

At that point we brought on, we felt it was absolutely best to do those kind of things so we brought in Waterforce Engineering and that is Michael Diaz, PhD. I have worked with him in the past and he is an exceptional scientist and a real pleasant guy to work with. Then he in turn said that the people he works with who are great on the issues of sediment transport would be Northwest Hydraulic Consultants. Dr. Bob McArthur is on our team there. This is a team of folks who has high regard for one another and have a lot of experience in this area.

Doug Parkinson is on this list. He is a guy who has done a whole lot of field work and you will see him in one of the pictures I will show here. Lynn Compass is a senior archeologist and we have with us Doug Brewer, and he has got wildlife, water quality issues and things of that nature.

Again, one of the things that came up as we saw on remarks of the Panther Grade that had been identified as, debated on whether or not it was really a fish passage barrier. There was reason to stand beside it, I stood beside it and thought well, it could be my imagination. There could be potential passage there at the right flow and it would be some very high flow and we do not know what that

was. So California Fish and Game filed a statement that they believed it was passable at some flow and should be

treated that way.

This seemed reasonably appropriate and so later in years finally another study was commissioned. We actually went out and measured it. That is available I think in the filing documents as well but this took measurements clear up to 100 cfs and you see in this picture one crazy guy standing in the middle of the stream measuring the depths of the jump pools. Just so you know, jump pools, the way that US fish and Wildlife service and others, there is a very standard procedure for measuring passability.

The depth of the pool below a jump needs to be 1.25 times as deep as the height they have got to jump. So in other words, if you have to jump 6 feet in like an 8-foot pool below to give the fish enough ability to jump that 6-foot jump. You would see the measurements of Panther Grade at any rate. At the various flows it has been measured now at 24cfs, at 100cfs, and at 180cfs in this picture and at all of those it was not anywhere near passable. Various routes were measured across and it was completely inadequate jump pools all the way across. That does not mean it would never get there at some higher flow but we don't know what that flow is but it was not approaching passability at 180cfs.

That is only a point because this feature is 1.6 miles below the powerhouse so all project flow would have

been returned at a whole mild and a half upstream before it even gets here but this would limit access at any time to even get into the project breech.

There is more to that story that I will touch on in a second. Here is just a quick picture to show you we have done fishery studies and those can be found in the application. One of the notable things we found is we did this survey with flow at the time was 13 cfs. This was in July of 2013. Here we see a picture of a pool. There are a few pools up there and they become a key limiting factor in the operation and the ability of the fish to use that area. Fifteen percent of the area in the bypass reach, that would be below Angel Falls down to the powerhouse where all flow would return, the pools only come to about 15 percent.

Here is why that matters, because the other 85 percent is primarily ripples and rapids. Here you see a picture taken this fall in October. This is even below the powerhouse so this is before they even get the project reach, because of the absence of spring flow coming in which does turn out to off-come in the Panther Grade and down to Panther Creek. You have very little flow in the stream channel and if there is not at least 6 inches deep fish that are any more than 4-5 inches long will not inhabit that,

they will avoid that. This leaves them highly vulnerable to birds, raccoons, any kind of surface predators; so we have

way too shallow water and a real rugged place to get. That becomes pretty inhospitable and rearing habitat strongly limits what fish can survive above, well, within the project reach.

There are a couple of new studies in progress just to give you an idea of what they are right here. As requested, we are in the middle of developing a temperature simulation model. That first step is to get review by the agencies and approval but we are on the right course and we are in that process now. We have developed a synthetic temperature flow record that would feed into the assessment of both the sediment and of the temperature and that is in process now. Sediment transport study as requested by FERC is also in process and again, Northwest Hydraulic Consultants is doing that.

Then once those pieces are done, the information gained with the input into a simulation model we have for fish that would model their response as it changes habitat and affects how many fish would inhabit here, what fish could be supported, and what life stages might be at risk. That, too, would happen for the yellow-legged frog and other wildlife and aquatic resources in the area.

There are some interesting findings to date. So there are just a couple to touch on you will find in the

information. Recently was filed the base-flow study. A

remarkable finding really this year, we know that Panther Creek is famed for its spring inflows to cool water and abundant flows that are sustainable throughout the summer and the good news is that does exist in the South Fork area.

The surprise is that spring flow is absent in the bypass area and the entire stream bed dried up this year for several months of the summer. There was no flow at all whatsoever over Angel Falls.

A half of a cfs starts to come in about a quarter mile above the powerhouse location, so that is only one-half of a cfs. It is only about 1.5cfs by the time it reaches Panther Grade, so you have very little flow and then substantial flow starts to come in at Panther Grade and then in multiple springs between Panther Grade and Panther Creek, and that is about a half-mile stretch in there. That stretch, by the time you get to the mouth of Panther Creek there is 28cfs. It is good, cold water. The springs are coming in so we do have the spring water to support the strong fish life even in the worst of droughts and that water is coming in from Panther Grade to Panther Creek so that is a mile and a half below the lower limit of the project.

Some retention flow is substantially better for

that reason because of those springs below Panther Grade than they are above. Panther Grade, as I just showed you,

the passage measurements that were actually made confirm it is not passable at least up to 180cfs. Fish remaining in habitat bypass reach is strong but limited by the low flow as far as pools this year. The fish that were there all died. All pools drained. There were only a couple of residual pools that retained water and the water quality were quite poor. There was dead fish and bird and animal tracks all around licking off whatever they could so it was not a good place to be. Also, the record shows that this has happened in the past just based upon flows we had seen at the upper end above and right near the project intake.

Habitat in the bypass reach is poorly fit for spring Chinook if they were to arrive in the spring and have to hold through the summer. There is very little holding habitat and especially late in the summer, and they would spawn right at this low-flow and I will show you some pictures there. In low seasons there will be no water they, no fish will not be able to spawn there. In good years, there could be water there but of course they would have to get up to Panther Grade.

So, those are just some interesting findings from our studies to date and a whole lot more is coming. That concludes what I would have to say. Let me also say, I did think I said, there is a whole bunch of maps posted up in

back and not just maps but diagrams and features of the

actual project facilities and there are maps available so you can look at the project area in the handouts.

MR. BEECO: Thank you. We here at FERC are now going to basically run through the scoping document and go issue by issue that we have identified on our evaluation of the application. We will go ahead and run through that.

The purpose of scoping is to identify issues, identify reasonable alternatives, identify any available information or study needs that we may or may not be aware of, identify cumulative issues and the geographic temporal scope of those issues and also a site visit. As far as cumulative effect goes, the only thing that FERC has identified thus far is aquatic resources and the geographic scope that we have identified is from the South Fork of Battle Creek to the confluence of the North fork of Battle Creek. The preliminary resources, they are listed here. We will have a slide for each one of these. For geology and soils one of the things we will anticipate on evaluating is the effects of project construction on erosion and sedimentation of project lands. For aquatic resources, I will have Claire McGrath read through those, Claire.

MS. MCGRATH: Some of the probable effects we have identified for aquatic resources are the effects of actual project construction, the in-water work and excavation on water quality. This includes potential

effects on temperature, dissolved oxygen and turbidity around this construction site, effects of project construction activities on the potential release of contaminates which could include fuel lubricants and other wastes into the project waters and also effects of the project construction activities on fisheries and aquatic habitat downstream of any construction work.

The effects of project operation on water quality in the south fork of Battle Creek are identified. There are potential effects of project operation including ramping during startup and shutdown and minimum-flow releases on fisheries and aquatic resources in south fork Battle Creek in the bypass region; and effects of bypass operation facilities on upstream and downstream fish passage including entrainment and turbine mortality.

MR. BEECO: All right, and for the terrestrial resources we will have Alan Michnick.

MR. MICHNICK: The first effect we have identified is habitat related effects, the effect of project construction, operation and maintenance on vegetation including habitat loss, habitat degradation, fragmentation and the associated effects to wildlife populations. We have an issue of invasive species, the project construction,

operation and maintenance and recreation on invasive plant species. We have an issue of stress effects on wildlife

populations (next slide), effect of construction and project operation on wetlands and riparian habitat. Now we have the disturbance effects, the stress-related effects to wildlife populations from noise, construction activities, human presence including helicopter use, and also we have an effect on special status wildlife species.

In particular, the Foothill Yellow-Legged Frog from construction, operation and project maintenance.

We have identified one federally listed species that could potentially be affected by the project and that is the California Red-Legged Frog. Okay, now to talk about the Yellow-Legged Frog. The Foothill Yellow-Legged Frog is not federally listed under the Federal Status Species of concern.

Cal Fish and Wildlife did provide a study request. They wanted a survey done of breeding habitat of breeding frogs. This is a new issue and that is why we wanted to talk a little bit about it so hopefully the applicant could provide some information. We sort of wanted to better understand why the issue might have come up later in the process. Is it because of sightings that Cal Fish and Wildlife has provided that they were not aware of beforehand so that would certainly help us get a better understanding of the issue and why it is sort of cropped up

25 at the last second? Also, maybe what sort of information we

have on existing habitat, potential habitat for the frog? I mean, do we have any information on just the habitat features in the bypass reach that could be suitable for the Yellow-Legged Frog and perhaps just some insight into the use of the drainage by the Yellow-Legged Frog?

Cal Fish and Wildlife is not here so hopefully we will have an opportunity to talk to them about this issue either tonight or maybe later on. I open it up to the applicant, if they have any sort of insight into this issue that might be helpful.

MR. BREWER: You want me to go up here, Michelle?

MS. LOBO: You can go right here.

MR. BREWER: Oh, Okay. Hello?

I was going to say I will just go up to the podium.

First of all, there is a tremendous amount of data available to do an impact assessment for the Yellow-Legged frog and the Red-Legged Frog. Again, my name is Doug Brewer and I am with Brewer Environmental consulting as a sub to Tetratech and I am going to be presenting numerous points of evidence as to why we really do not need to do any more technical study for Red-Legged Frog or the Yellow-Legged Frog. A lot of this comes from the work of

Doug Parkinson who has been studying the river for over 10-11 years, since 1996. Doug has spent more time on that

creek than anyone on the study team, doing stream-flow gauging, Red-Legged Frog surveys, all types of surveys.

One of the main points that he wanted me to pass on today is there is generally the upper part of South Fork Battle Creek is really a very high-gradient, hostile environment for Yellow-Legged Frogs. As you saw earlier in Steve's presentation there is only 15 percent of the stream areas as pools and very shallow. It is Doug"s professional opinion that between the heavy, boulder-dominated stream bed and very steep slopes and lack of overhanging vegetation it is not an optimal place for the Foothill Yellow-Legged Frogs. Now we do have one sighting of Yellow-Legged Frogs by Doug in 2006 that is an observation. He told me he was not able to actually pick up the frog but the reality is over the last ten years he has not seen any of the tadpoles, just another piece of evidence to take into consideration is the lack of him seeing any tadpoles in the bypass reach in the last 10 years, as well as Dr. Cramer's fish scientist team last July 3rd, 4th and 5th I believe, the very detailed habitat assessment survey of the entire stream section with 3 or 4 biologists on that team, no frogs at all were seen in those three days. That was in July of last year.

Also, I was personally on the creek in September

installing temperature probes September 4th and during that visit I did not see any frogs of any kind, Red or

Yellow-Legged Frogs. Another professional opinion by Doug Parkinson is the actual reduction in flows may actually be favorable to Foothill Yellow-Legged Frogs in this stretch because of the stream velocities, gradient, the boulder-dominated geomorphology of the stream, that actually reduction of the flows could make things more favorable for the Yellow-Legged Frog.

So at this point I believe the applicant, the study team believes that the PM&E measures that we have recommended and agreed to earlier are sufficient for protection of the Yellow-Legged Frog and any of the in-stream flow measurements that come out of Steve's study will be very protective of both the fish and the frogs.

I think that concludes my evidence on that issue.

Any questions?

MR. MICHNICK: Do you know where the state has seen the frogs? There are multiple observations.

MR. BREWER: Yes, and I found that kind of curious. Here in California, Fish and Wildlife maintains the California Natural Diversity Database, which is kind of the Holy Gospel of where we keep special status species records; and one question I had for the Department of Fish and Wildlife was if they in fact have seen the yellow-legged frogs, why weren't they documented, mapped and recorded in

25 the database record with GPS coordinates? Not that I am

questioning their sighting, I am just curious as to why they were not documented. That way, we would have known earlier in the process that they were an issue.

MR. MICHNICK: Are they documented in the database at all?

MR. BREWER: The Foothill Yellow-Legged Frog as you show on Figure 5-1 in exhibit E showed sightings of Yellow-Legged Frogs 18 miles downstream at the peach-knee and lower sections of the South Fork Battle Creek where we have lower gradient and the habitat conditions are much better, but that is very far downstream. The other notable point, too, is that Doug Parkinson and the Tetratech team did a very detailed Red-Legged Frog site assessment study last year and did not find any Red-Legged Frogs in any of the habitat features. Those frogs prefer more ponded water, slower velocities. Speciation and habitat preferences are different for the Yellow-Legged versus the Red-Legged Frog.

MR. MICHNICK: Okay, thank you.

MR. BREWER: Thank you.

MR. HANSEN: I just wanted to jump in real quick. This is Ryan Hanson with FERC. Just on that last bullet for two new species I just wanted to say that several of us are aware that the FERC Environmental Analysis Document will

also include an analysis of the effects of project construction and operation on the Central Valley Spring Road

Chinook Salmon as well as the Central Valley Steelhead trou,t as well as the critical habitat for both of those animals which are in the project area. They were not specifically listed in this bullet but I just wanted to make sure everyone is aware that the NEPA document will include those analysis.

MR. BEECO: All right, so with recreation and land use we have not identified any reparation issues. For land use, effects of the project construction of new, permanent and temporary roads occurring during these practices.

AUDIENCE: When will it be evaluated?

MR. BEECO: Aesthetics, the effects of project construction, operation and maintenance on aesthetic resources in the vicinity of the project, cultural resources, the effects of cultural resources that are eligible or potentially eligible for the National Register of Historic places, socioeconomics, the effects of the project on the local economy, and developmental resources, the effects of the proposed or recommended protection, mitigation or enhancement measures on the Lassen Lodge Project economics.

So at this time we are also calling for updated requests for any comments or plans that have not yet been identified in the scoping document and any updates to the

mailing list. Both of those can be found in the scoping document on how to submit the comprehensive plans or submit your name and information to be put on the mailing list.

Again, for FERC, the comments on the SD1, on the scoping document 1 are due on December 5, 2014 and this is also the time when you can make comments on the application.

So again, December 5th is the take home date and how to file this information is in the scoping document but all correspondence must clearly show that you are identifying your comments for the Lassen Lodge project and using the P-numbers as appropriate.

FERC has a number of online resources for people, including e-filing which we just mentioned, filing e-comments as well which does not require you to register or anything and then e-subscription. You can e-subscribe to the project. That way, anytime anything is put on the record filed through FERC you will get an automatic email about that which makes it really easy to keep updated on the project and access information, and e-library is also a resource to you that you can look up information on the project or even the project as it was in the past as well on the different project numbers earlier in the presentation.

So the last thing I will talk about before I hand it off to the Water Board is FERC is participating in a site visit to the project tomorrow which is public and agencies

are also invited to participate in. We will be leaving out of Red Bluff tomorrow. You were supposed to notify Mr. Charlie Kuffner by October 31, 2014 but if you are interested in going on that site visit and you have not registered yet, you can speak to Charlie and find out if there is any additional space.

So that is it for FERC and we will had it off to the Water Board.

MS. LOBO: Hi. My name is Michelle Lobo and I work for the State Water Resources Control Board in the division of water rates. I am the project manager of the State Water Board for the Lassen Lodge Hydroelectric Project. Today I plan to discuss some of the background information about the State Water Board including its mission and role regarding the California Environmental Quality Act or CEQA and the Water Quality Certification. I will also discuss the CEQA process, how the public can provide input, types of CEQA documents, environmental resources and the next steps and what to expect. So here is the State Water Board's Mission Statement followed by the State Water Board s website.

The State Water Board's mission is to preserve, enhance and restore the quality of California's water resources and ensure their proper allocation and efficient use for the benefit of present and future generations. The

State Water Board has authority over water rights and water quality to protect California's Water. The State Water Board protects and enforces many water uses including the needs of industry, agriculture, hydropower, municipal districts and the environment and must balance the various beneficial uses of water.

On May 20, 2014, the applicant Rugraw, LLC submitted an application for water quality certification to the State Water Board. The State Water Board regulates hydroelectric projects by issuing water quality certifications under section 401 of the Clean Water Act. Water quality certifications focus on protecting water quality, balancing the beneficial uses of water and considering the existing water rates.

Now we will talk a little bit about CEQA and how it relates to the water quality certification. Since the State Water Board would be making a discretionary decision about the water quality certification, the State Water Board must comply with CEQA. As Rugraw, LLC is not a public agency, the State Water Board is lead agency for CEQA and will decide the type of CEQA document to prepare and the level of Detail in that document. The State Water Board has independent judgment when approving or denying the issuance of water quality certification.

25 So the State Water Board will use the CEQA

document to develop an assessment of the project. The CEQA document will be used to support the action taken for the water quality certification if issued, including any conditions in the certification. The water quality certification applies to the construction of the project and the operation and maintenance of the project over the term of the Federal Energy Regulatory Commission license.

If a water quality certification is issued, the conditions in it become a mandatory part of the FERC license. Nothing in the water quality certification can preempt federal law, is additive to any conditions FERC places on the project.

Today and throughout the comment period, the State Water Board is seeking comments on the type of CEQA documents that should be prepared, the impacts that should be analyzed, and project alternatives. So the objectives of CEQA include the following, disclosed to the decision makes and the public:

The reason for the significant environmental effects of proposed activities, identify ways to avoid or reduce environmental damage, prevent environmental damage by requiring the implementation of feasible alternatives or mitigation measures, disclose to the public reasons for agency approval of projects with significant environmental

effects, foster interagency coordination in reviewed

projects and enhance public participation in the planning process.

Our plan for the CEQA process is to collect written and verbal comments then determine the type of CEQA document to prepare, issue a draft CEQA document for public comment and then issue a final CEQA document. There will be a public review and comment period for the draft CEQA document. The State Water Board plans on releasing a draft Water Quality Certification at the same time as the draft CEQA document.

The State Water Board decided that this project is not exempt from CEQA, so an exemption does not apply. The State Water Board plans to prepare 1 of 3 types of CEQA documents; a negative declaration, a mitigated negative declaration or an environmental impact report called an EIR for short. This meeting will serve as the CEQA scoping meeting if the State Water Board determines any EIR is needed.

Again, as part of the comments requested, as part of this meeting and in the notice, the State Water Board is seeking input on the type of CEQA document to be prepared. If you recommend preparation of an EIR, please provide an explanation of the significant effects that you think may occur. At a minimum, the environmental document will

25 evaluate the environmental resources listed on this slide as

required by CEQA. If the State Water Board prepares an EIR, the EIR will also address growth-inducing impacts, cumulative impacts and significant unavoidable impacts if there are any.

We are accepting written comments until 2:00 p.m. PST on Friday December 5, 2014 regarding the type of CEQA document that the State Water Board should prepare such as a negative declaration, mitigated negative declaration or EIR.

This presentation is posted to the Lassen Lodge Hydroelectric Project Webpage. State Water Board staff will work with a consultant to develop a draft CEQA document based on the existing information and any comments collected. There will be a public comment period for the draft CEQA document.

Additional information is available on the State Water Board's web page for the Lassen Lodge Hydroelectric Project. You may sign up online to receive email updates related to the project and Water Quality Certification Program. For signup, go to the webpage noted in the slide. Select State Water Resources Control Board and then enter your email address and full name. Under the categories on the same page below, select Water Rights. Next, select the box for Water Quality Certification and that is the last

box, and click the subscribe button at the top.

Again, as a reminder, the comment period ends

Friday, December 5th, 2014. Are there any questions or comments at this time? We have a microphone here at another podium but we also have a roaming microphone for anyone that wants it. Thank you.

MR. BEECO: Just to be clear, at this time questions or comments or anything that FERC has presented, the Water Board has presented or the Licensee has presented, any questions at all and anything in the project.

Just so everybody knows, there are no comments from anyone online either. At this time, we will conclude this government meeting and we will see most of you if not all of you tonight at Red Bluff.

MS. LOBO: Thank you, everyone. Good-bye.

(Whereupon, at 9:55 a.m., the scoping meeting concluded.)

Document Content(s)