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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 - Evening Meeting

Holiday Inn Express Hotel

2810 Main Street

Red Bluff, California

Wednesday, November 5, 2014

The evening scoping meeting, pursuant to notice,  
convened  
at 7 p.m., before a joint Staff Panel:

MICHELLE LOBO, California State Water Resources  
Control Board

ADAM BEECO, Project Coordinator, FERC

CLAIRE McGRATH, FERC

RYAN HANSEN, FERC

ALAN MITCHNICK, FERC

STEVE CRAMER, Cramer Fish Sciences

with:

CHARLIE KUFFNER, Rugraw, LLC



1 P R O C E E D I N G S

2 (7

p.m.)

3 MR. BEECO: We will be getting started in one  
4 minute but I did want to remind everybody we have a sign-in  
5 sheet and some materials in the back if you have not signed  
6 in, please do and feel free to grab any of the materials.

7 We are going to go ahead and get started.

Thanks

8 everybody for coming out this evening. As you can see on  
9 the side here, this is a joint scoping meeting for the  
10 Federal Energy Regulatory Commission as well as the  
11 California State Water Resources Control Board for the  
12 Lassen Lodge Hydroelectric project. For folks who may  
13 not be familiar, FERC is the federal agency who is in

charge

14 of hydroelectric power and then the California Water Board  
15 has a role within that licensing process so this evening  
16 what we will be doing is we will start off with going  
17 through FERC and FERC's licensing process and then the

Water

18 Board will have a presentation after that about the Water  
19 Board and the state regulations and CEQA and how their  
20 process works. These processes are done in parallel. The  
21 first thing we want to do tonight is we want to go through  
22 some introductions and since we have a real small audience  
23 we will just have everybody introduce themselves so again

my

24 name is Adam Beeco and I am with FERC. We will start here  
25 with Ryan.

1 MR. HANSEN: Ryan Hansen, also with FERC.  
2 MS. MCGRATH: I am Claire McGrath also with  
FERC.  
3 MS. LOBO: Michelle Lobo, State Water Resources  
4 Control Board.  
5 MS. MONHEIT: Susan Monheit, State Water  
6 Resources Control Board.  
7 MR. FOSTER: Bill Foster, National Marine and  
8 Fishery Service.  
9 MR. MOORE: Sean Moore, Director of Planning and  
10 Accounting.  
11 MR. ANTONE: Gary Antone, Tehama County Public  
12 Works.  
13 MR. GARDEN: Dennis Garden, Supervisor District  
14 3, Tehama County.  
15 MR. GUSSING: Steve Gussing, Battle Creek  
16 Watershed Conservancy.  
17 MR. MARKS: Robert Marks, resident.  
18 MR. MICHNICK: Alan Michnick FERC.  
19 MS. HOWELL: Virginia Howell, Tetra Tech.  
20 MR. LEAPLEY: Phil Leapley, Tetra Tech.  
21 MR. THOMPSON: Jim Thompson, Rugraw, LLC.  
22 MR. CRAMER: Steve Cramer, Cramer Fish Sciences.  
23 MR. KUFFNER: Charlie Kuffner with Rugraw, LLC,  
24 the applicant.  
25 MR. BEECO: All right, excellent. The rest of



scoping 1 the meeting we will talk about why we are here, what  
2 is and how that works under FERC as well as the California  
3 Water Board. We will talk about the project history, our  
4 licensing process, which this project is using the TLP  
which 5 stands for Traditional Licensing Process. We will have the  
6 applicant briefly speak about the proposed project and then  
7 we will talk about some of the issues that we have  
8 identified and we will take comments and discussion on any  
9 of your comments about the project, about our scoping  
10 document or any issues that we may not have identified.

11 So why are we here? FERC is the agency  
12 responsible for oversight of non-federally operated  
13 hydroelectric projects. Rugraw, LLC filed an application  
14 with FERC for a hydropower license to construct, operate  
and 15 maintain the Lassen Lodge Hydroelectric Project. We have  
16 reviewed the application and identified specific resources  
17 that may be affected by the proposed project and we are  
18 holding this scoping meeting to hear your comments on the  
19 proposed project and to identify any issues or resource  
20 impacts that may be caused by the granting of a license  
that 21 we have not yet identified. That is FERC's role and that  
is 22 the primary purpose of this scoping meeting.

23 The project history: Originally the project was



24 under a different project number and the original  
25 application was filed in 1994. That application was later

1 dismissed in 1999. The project was reconfigured and  
2 redesigned and the licensing process began again in 2001.  
3 They were using a different licensing process up until  
about  
4 2007 when FERC decided to have the licensee use the  
5 traditional licensing process instead and now they filed an  
6 application on April 21, 2014. So, the project does have  
7 some history but what FERC is evaluating is the license  
8 application that was filed on April 21, 2014. Some of the  
9 studies from the prior project are still applicable but the  
10 application and the project designs what we are evaluating  
11 is based off of what was filed April 21, 2014.

12 The TLP process, so any time somebody wants a  
13 license we have different processes for evaluating that  
14 license and how that may affect specific resources and so  
15 the traditional licensing process is what we will be using  
16 for this. So how does this work and where are we at in the  
17 process? The application was filed, again like I said, and  
18 that starts the process for a TLP. What happens after that  
19 is we have a study plan development and then after some of  
20 the study plans are developed we go through scoping which  
is  
21 what we are going through now and then after scoping we can  
22 reassess if there are any new needs to do additional  
studies  
23 and then after those studies are completed, the applicant  
24 will file study reports. So at this time after the study

all 25 reports we will assess everything and make sure FERC has

1 the information we need to evaluate the project and the  
2 resource impacts that it may have. Once we have all the  
3 information we need, we will issue an REA notice.

4 In each of these steps through here, the public  
5 has an opportunity to comment. This is where we are at in  
6 the process. After all the study reports are filed and we  
7 issue an REA there will be another opportunity to comment.  
8 Then once we have all the information we need we will begin  
9 to write our analysis. For this project we are doing both

a

10 draft EA as well as a final EA. After the draft, again,

the

11 public will have an opportunity to comment on how we see

the

12 project and how we have evaluated it. Then after the final

13 you will have another opportunity to comment about what we

14 believe within our analysis. After your final comments are

15 taken we will be writing an order. The order is  
essentially

16 the action item that we as a federal entity are given the

17 licensee permission or not giving permission to build a

18 project and operate it in that capacity. So we will have

an

19 analysis, an analysis then the final order which will --.

20 Okay, so just a brief history on where we are at

21 and the initial steps. Again, the application was filed

22 April 21, 2014. FERC issued a need for additional studies

23 on October 3, 2014. The study plans that we are requiring

24 are temperature modeling and sediment transport modeling.

25 The study plans for these, not the results of the reports,

1 but just the plans on how the studies will be conducted are  
2 due from the applicant to FERC December 2, 2014. here was  
3 also a request by California Fish and Wildlife for the  
4 Foothill yellow-legged frog and I do not think they are in  
5 attendance tonight, but we will discuss some of their  
6 proposal and take comments on that as well.

of  
7 Scoping, we issued our SD-1 which I think most  
8 you have in your hand or at least are aware of or have  
9 already read on October 3, 2014. We are holding scoping  
10 meetings today. I think that most of you are aware we had  
11 one earlier today in Sacramento and the comments, any  
verbal  
12 comments you make tonight will go on the record and if you  
13 would like to file written comments as well they just have  
14 to be filed with us by December 5, 2014. Again, in your  
15 packets and in the notice of the scoping meeting, those  
16 dates and how to file those comments are there. Tomorrow,  
17 we have a site visit to where the proposed project is  
18 located. We will talk a little bit more about that at the  
19 end of the presentation.

20 Again, as I mentioned earlier, we have an REA  
21 notice and we will not issue the REA notice until we  
believe  
22 there is enough information for us to evaluate the effects  
23 of the project.

24 At this time, we will have the licensee step up

25 and give a presentation on where they are at in their

1 process and some of the proposed facilities for the  
project.

2 AUDIENCE: Can I ask you a quick question?

3 MR. BEECO: Yes, absolutely.

4 AUDIENCE: The study plans, are they in a  
5 document, are they written up in a document?

6 MR. BEECO: The study plans? Yes the study  
plans  
7 are due to us December 2, 2014.

8 AUDIENCE: Oh, okay.

9 MR. BEECO: The study request can be found on  
the

10 record and we will chat about e-library at the end of the  
11 presentation and if you need any help with that.

12 MR. HANSEN: When those study plans are filed  
13 with FERC they are available for everyone to see in the  
14 public.

15 AUDIENCE: Yes, I went on and registered with  
16 FERC and I found it extremely -- all I could find was what  
17 they handed out to our community to the property owners. I  
18 did not really find any documents.

19 MR. HANSEN: Is that right? Okay.

20 AUDIENCE: It did go to that so you guys told me  
21 to register, I did all of that but I went over that thing  
22 for I think an hour and a half and I am pretty savvy at it.  
23 All of that stuff, I have never seen.

24 MR. HANSEN: Okay, well I am sorry to hear that.



25 Perhaps we can bring my computer down after the meeting and

1 we can do it. AUDIENCE: No it's fine. I have  
2 the documents now. Maybe you can explain how to use the  
3 site a little better.

4 MR. HANSEN: Yea, I would be glad to help.

5 AUDIENCE: First, I had to answer, then I had to  
6 log in, look up the project by the number. I did all of  
7 that, nothing really came up except the three-page you  
have.

8 MR. HANSEN: Okay.

9 AUDIENCE: And I was not the only one, by the  
10 way.

11 MR. HANSEN: Well, thank you.

12 AUDIENCE: There were quite a few people who  
13 tried.

14 MS. McGRATH: Yes, there are little quirks, like  
15 you have to put the P- and not just the number in so I  
think  
16 taking Ryan up on just the operative, running through it  
17 might help.

18 AUDIENCE: Well, that really does not help me as  
19 a citizen.

20 MR. BEECO: And some of the stuff that you  
picked  
21 up, the notice that has a phone number to call for specific  
22 help. I know you called me and I have been out of town,  
but  
23 yeah there is a number in there, a help line that you can

24 call and will help walk you through it as well.

25 AUDIENCE: I just want you to understand that  
the

1 average citizen would have a really had time with your  
site.

2 MR. CRAMER: Okay, I am Steve Cramer. I am a  
3 fishery scientist working on the team for the project, for  
4 Rugraw. My firm is Cramer Fish Sciences. So because I am  
a  
5 fish scientist, I am going to give you an orientation but I  
6 will probably slant a little bit more toward the aquatic  
7 resources and the fish. I find that part fascinating. Just  
8 so you know, the project team I will be introducing here I  
9 will also give us an orientation as to where the facilities  
10 are, talk a little bit about the studies we have already  
11 completed and about the study planning that is ongoing so  
12 some stuff you can expect in the near future.

13 At first, I will give you a couple of quick  
14 landmarks that we kind of think of as bookends to where the  
15 action is within this project area. So the operand Angel  
16 Falls, this is the certain upper limit of anatomy where you  
17 could have Steelhead or Chinook or anything like that that  
18 swims from the ocean all the way up, that is far as they  
can  
19 get. This is on River Mile 22, the actual Diversion site,  
20 but this is 22.2 and at River Mile 23 so 8/10th of a mile  
21 upstream is the actual diversion where it is proposed so it  
22 would be just upstream of Angel Falls.

23 Our firm did stream surveys that terminated at  
24 this point, so this is a picture taken by our staff on July

25 4, 2013 and the flow at that time was measured at 13 cfs at

1 the gauge above the falls, 13 cfs so keep that in mind  
2 because that will be kind of a frame of reference as we  
talk  
3 about other things here. So that is at the upper end and  
4 the water would be diverted at that point above that point  
5 and then this is down below the project but it is another  
6 mark point kind of in the project area.

7 This is Panther Grade, just for point of  
8 reference that is actually me standing there the day that I  
9 got to see it for the first time. This one, you can see  
10 standing up here was June 14th, the flow at that time was  
11 about 19 cfs up at the gauge, so the flow had been dropping  
12 a little bit between that and the time of the actual  
survey.

13 In that survey, we did not start at Panther Grade, we  
14 started 1.7 miles upstream where the proposed powerhouse  
15 would be and that would be the point where all water  
16 returns. So there would be no change in flow, no impact on  
17 water for a whole 1.7 miles upstream at this point until  
you  
18 get to the powerhouse where all the water comes back. So  
19 this is a novel feature we will talk about a little bit  
more  
20 because the findings show that a whole lot of spring water  
21 comes in here and downstream from here.

22 Okay, just to give you an orientation on the  
map.

the 23 First of all, this is the upstream end of the map to get  
24 diversion intake up here at mile 23 and here is the Angel  
25 Falls. There is a whole bunch of gauge data at the old

1 Highway Bridge that has flow data and some temperature data  
2 from up there. So here we are, the red line shows you  
where  
3 the actual project area would be. The powerhouse is where  
4 all water returns, goes to the powerhouse and returns to  
the  
5 stream and then we will talk about, well we won't talk a  
6 whole lot about the bypass but there would be flow left in  
7 the stream as well. Down here, no alteration in flow at  
the  
8 Panther Grade but we will go see tomorrow Ponderosa Bridge  
9 right down below that and cover this stretch here as a good  
10 view of what the place looks like.

11 I wanted to point out too, I am not going to  
talk  
12 a whole lot about design features, facilities or roads or  
13 anything. There are maps posted on the wall that has it in  
14 great detail and it is a lot easier to look at it on a big  
15 picture like that. There are handouts in the back that  
have  
16 some of that detail and then the full packet that is the  
17 FERC license application is back there as well so you can  
18 get more detail on those. We have people in the audience  
19 here, a lot of project teams right here that could answer  
20 your questions.

21 I apologize for some of this white stuff we  
22 realize after we got it up it does not show, but I will



Charlie 23 guide you through this. So the president of Rugraw,  
24 Kuffner and Charlie is right here, Jim Thompkins, right  
25 behind my left is the project engineer. Then on the

1 consultant team, independent from the hard-to-do studies,  
2 Tetra Tech and Virginia Howell back here is the project  
3 manager, Phil Leapley is the coordinator of the whole  
4 process, the licensing process and then we have some  
experts

5 in different stuff. Karen Brunacome is the Terrestrial and  
6 Botanical, Jenna Farrell - Historical and Archeological,  
7 Socioeconomics is Rachael Katz; she gets recreation,  
8 resources, land use, that kind of thing.

9 I and our team, our staff provides fishery  
10 science and when we got started with this we, as was  
11 mentioned already in the presentation by FERC, they  
12 identified and so did all the fishery agencies with that  
13 first license application, that we needed to do temperature  
14 studies and sediment transport studies. So at that time a  
15 buddy who I have worked with a long time, Dr. Mike Diaz is  
16 in watercourse engineering. He has modeled temperatures  
all

17 up and down California and even in Oregon and beyond.  
18 Anyway, he is a great guy so we got him on the team to do  
19 that modeling and he has been working on the proposal which  
20 is soon to be submitted and has been run by some of the  
21 agencies and they will go through review before its final  
22 plan. We will adapt it to their recommendations. Then it  
23 goes out for your review.

24 I skipped Bob McCarthy. His firm, Northwest

25 Hydraulic Consultants really well known on lots of

1 geomorphic and hydrology work around so he is going to do  
2 the sun modeling and the synthetic water flow, the  
hydrology  
3 stuff. Doug Parkinson, you will see one picture of him, he  
4 is the guy who has done lots of the field work in the past  
5 so for years and years he has been the guy in the field  
6 measuring all kinds of things. He has done measurements at  
7 Panther Grade, he collected a whole variety of data that  
8 will be sighted. Then down here we have our archeologist  
9 Doug Brewer. He is the guy in charge of terrestrial,  
10 wildlife, frogs. So that is the team and these are all  
11 too-notch folks and independent of Rugraw for this project.

12 So for now I thought I would highlight just a  
13 couple of things, our key little features you get to see  
14 tomorrow but one of the elements we had to deal with  
15 addressing at the time of the license so some of the  
science  
16 studies went in, was are anadromous able to get into the  
17 project area. Remember this one is 1.7 miles downstream  
18 from the powerhouse which means that all flows return and  
so  
19 the whole project while upstream of here but anadromous  
fish  
20 would have to get by here to get up there. So in 2000, Cal  
21 Fish and Game made an appropriate policy decision. They  
22 were just going to say it is passable at some flow, we  
don't  
23 know what it is but we are not going to call it impassable.

24                   After that, for that reason, we had Doug  
25    Parkinson who is a fish biologist and has done lots of

1 different surveys. He came up and did measurements at  
2 multiple flows. This is a picture of him standing out  
there  
3 when the flow is at, he said about 200, later when we got  
4 all the measurements lined up it is about 180 is the actual  
highest  
5 time he was there. That is actually higher than the  
6 monthly flow that you would see during the season, 146 cfs  
7 is the peak month that is May, so it is mainly spring raw  
8 stream. At any rate, you go out and measure the depths  
of  
9 the plunge pools and you get the height that they have to  
10 jump, and the rule of thumb that all the agencies use in  
11 determining passages is that you would have to have depth  
of  
12 1.25 feet for each one foot that they have got to jump, so  
13 if it is 6 feet they would have to jump, they need 8 feet  
of  
14 depth to get the speed to jump that high and then they  
would  
15 be able to do it. The depths are quite shallow here at the  
16 base of the falls so he found not even close, they cannot  
17 get over any of these routes over the falls at 180 cfs and  
18 that is the highest. We also measured 24 and 100 and it  
19 does not work then either.

20 Okay, so just a couple simple things we got on  
21 the fish. We did survey every single pool riffle and every  
22 channel unit from the powerhouse all the way to the falls,

23 measured the dimensions that we know have demonstrated a  
24 relationship from science studies to fish production. So  
25 this is a pool and one thing we found at the pools is it is

1 very steep and as you can see, boulders are everywhere.  
2 Only 15 percent of the channel area between the powerhouse  
3 and Angel Falls is pools. That is really important because  
4 that is where the fish have to go in the summer.

5 That was measured right there, that picture, in  
6 July 4, 2014. The flow was 13 cfs above the other way.  
7 Here is what happened this year. In October, the stream  
8 went dry earlier in the summer, up above Angel Falls and we  
9 sent a survey up in October and here we are even actually  
10 down below the powerhouse. This is not even up to the  
11 project yet, there is only about 0.5 cfs flowing through

it.

12 This is a riffle, but what happens when the riffles get  
13 low is there is just a few inches of water and anything to  
14 try and stick out there would be a sitting duck for birds  
15 and for raccoons. Fish do very strongly avoid 6 inches

deep

16 or shallower and you don't get it in riffles. So the  
17 riffles become not very effective for rearing fish and

those

18 pools are everything when you get down to low flows in the  
19 summer. It is pretty limited for rearing.

20 Now a bunch of that information is posted in the  
21 application that Rugraw filed for the FERC license. These  
22 are a couple of studies that are in progress and so you can  
23 expect soon will be coming out that temperature simulation.



24 Now, that is the one that has to have the plan approved

25 before the simulation is done but that is very

1 well-developed now and so we should see that plan get  
2 through the approval process very soon and out for review.

3 Synthetic flow, that means there is some years  
of  
4 flow but we need to create a longer term and it is being  
5 correlated to a whole bunch of other streams around that.  
6 The proposal is also about ready for review as is the  
7 sediment transport. So these are in development for review  
8 by FERC and Fisheries Agencies and then it comes to you  
all.

9 When that is done, those pieces feed into the fish  
10 simulation model where we will then simulate, well given  
the  
11 way things are and the way the project would operate, what  
12 would happen to the fish and we could do a whole variety of  
13 simulations with that. So those will be coming in the  
14 future. Interesting findings today I think is my  
concluding  
15 point.

16 The springs that come into the stream below  
17 Panther Grade and between there and Panther Creek which we  
18 will see tomorrow was really a dramatic change. They  
19 contributed almost 20 cfs. So the water was bone-dry,  
20 nothing coming over Angel Falls. By the time you get to  
the  
21 Ponderosa Bridge, below Panther Creek, you are 28 cfs and  
22 the springs are all coming in at 49 so that is very ideal  
23 for trout. You have got a really nice spring-fed stream

24 below the Ponderosa Bridge in keeping with kind of our  
25 picture of what Battle Creek has to offer.

bed  
1 Above the project, you have mostly dry stream  
2 or about a 0.5 cfs to no cfs under this severe drought. It  
3 would be more than that in other years but nevertheless it  
4 would be limiting above and the main spring flows come in  
at  
5 Panther Grade to Panther Creek and you will see that  
6 tomorrow. Summer temperatures and flows are substantially  
7 more favorable to some lines below Panther Grade than  
above.  
8 I have already mentioned Panther Grade is not passable at  
9 180. That is a recent finding.

10 Then fish-rearing habitat in that bypass reach  
11 back up higher is strongly limited by the low-flow season  
12 and that would be a problem and especially because of the  
13 sparse pools in the depths in the riffles. Then habitat in  
14 the bypass reach is a poor fit for Spring Chinook and we  
15 covered some of that because Spring Chinook would arrive in  
16 the spring and would have to hold all summer. They would  
17 certainly have 100 percent mortality this year, they would  
18 have high mortality many years if warmer water up there and  
19 there is very limited places for them to hold. They do not  
20 spawn until the fall so they would have to make it all the  
21 way up through the summer and then the lowest season of  
flow  
22 is when they spawn.

23 AUDIENCE: Steve, what did you say was the

24 temperature this year? Up there, say where Angel Falls is?

25 MR. CRAMER: We will have that data out. I have

1 not reviewed it. Jim, do you remember?

2 MR. THOMPCKINS: Steve, we have some temperature  
3 data that has not been published to everybody yet that the  
4 agencies are looking at as part of the study process that  
5 has been going on. But this summer, the stream dried up  
6 right below Highway 36 Bridge. There was no flow at Angel  
7 Falls for like 3 months so we could not get any water  
8 temperatures there. We do have water temperatures for this  
9 summer above the old Highway 36 Bridge and we took some  
10 above the project at Mineral Bridge.

11 MR. CRAMER: Did you see the pool at Angel Falls  
12 dry up?

13 MR. THOMPCKINS: Completely, and we have some  
14 images here that actually we had published.

15 MR. CRAMER: You can see the photos.

16 AUDIENCE: Then I would say the water  
temperature  
17 is pretty high. (Laughter).

18 MR. CRAMER: Real close.

19 AUDIENCE: All right, thank you.

20 MR. THOMPCKINS: Incidentally, that temperature  
21 study and data, just the base-flow study, it didn't have  
any  
22 temperature in it.

23 MR. CRAMER: No, it was just flows.

24 MR. THOMPCKINS: So there is a brand new document

25 out of real interest to you that just got posted on the low

1 flows.

any

2 MR. BEECO: So actually at this time FERC staff  
3 will go through issue by issue and hear your comments on  
4 particular issue. So, the purpose of scoping again is to  
5 identify issues, identify reasonable alternatives, identify  
6 available information and study needs and identify all  
7 cumulative issues in scope as well as the site visit.

8 In our scoping document you will see we  
9 identified cumulative effects. These are effects that not  
10 just the project may have but the project with other  
11 projects or other developments on the stream may  
12 cumulatively affect something where each individual one may  
13 not have a significant impact. So the resource we have  
14 identified that may be cumulatively affected is aquatic  
15 resources and the geographic scope that we put for the  
16 project to look at things from a cumulative perspective is  
17 South Fork Battle Creek from the project to the confluence  
18 with the North Fork of Battle Creek.

19 The primary resources that we will go through,  
20 and we will go through these one by one and again as we go  
21 through these slides if you have any questions about any  
22 specific resource or something that we may be looking at,  
23 feel free to ask. Just raise your hand or just let me know  
24 and ask your question.

25 So geology and soils, one of the things we are going to be





1 looking at in our analysis is the effects of project  
2 construction on erosion and sedimentation of project lands.

3 AUDIENCE: There was a lot of people that wanted  
4 to come here tonight but because we had a fire two and a  
5 half years ago, all of a sudden all of the sediment, even  
6 the Department of Forestry was supposed to monitor that and  
7 it all decided to come down in the last rain. So people

are

8 actually up here in town and three different water sources  
9 are clogged. So the whole town of Manton has no water  
10 tonight. They are working with lights to try to restore  
11 water over something that was supposed to be done 2 years  
12 ago. Now it is just a fire which relates to power lines.

He

13 has to comment on each.

14 Audience 2: The fire that he is talking about also went up  
15 that canyon above where this project site is.

16 MR. BEECO: Thank you. I do not think we were  
17 aware of that.

18 AUDIENCE: It went all the way, almost to 14  
19 road.

20 MR. MARKS: That was because the DC tenants put  
21 it out. If they hadn't --

22 AUDIENCE: If they hadn't, it would have lost  
23 Mineral.

24 AUDIENCE: We would have lost probably half of

25 Western farm for forest fires.

1 MR. MARKS: That was two and a half years, that  
2 was not -- AUDIENCE: They could not get a fire truck  
across  
3 Ponderosa Way.

4 MR. MARKS: Where the site is proposed is  
5 extremely even more remote than where the fire was.

6 MR. BEECO: All right, thank you gentleman.

7 MS. McGRATH: I just wanted to know if your  
court  
8 reporter was able to catch people's names.

9 MR. MARKS: Robert Marks, I am a resident.

10 MR. GARDEN:: District 3 Supervisor for the  
11 County, that is my district.

12 MR. BEECO: I apologize, that is my fault. So  
13 whenever you say anything for the court reporter just  
14 reiterate your name and affiliation. Sorry about that,  
that  
15 is my fault. I apologize. All right, aquatic  
resources.

16 I am going to have Claire, our fisheries biologist run  
17 through these points.

18 MS. McGRATH: These are some of the issues that  
19 have been identified as important to the project. First  
20 off, the effects of project construction activities, for  
21 example project construction would include in-water work or  
22 excavation of soil or sediment on water quality. That  
23 includes temperature, dissolved oxygen and turbidity levels

24 around the project construction site. Effects of project  
25 construction activities on the potential release of

1 contaminants.

2 For example: Fuel, lubricants or other wastes  
3 into project waters and the effects of project construction  
4 activities on fisheries and aquatic habitat downstream of  
5 the project site. Other issues that have been identified

is

6 potentially important including the effects of the project  
7 operations. For example, on water quality in the South

Fork

8 Battle Creek area, the effects of project operation  
9 including ramping during start-up and shut-down of minimum  
10 flow releases, on fisheries and aquatic resources in the  
11 South Fork of Battle Creek and affects of project operation  
12 of facilities on upstream and downstream fish passage  
13 including entrainment and turbine mortality. We are taking  
14 questions at this point.

15 MR. MARKS: Robert Marks, Manton again. So it

is

16 my understanding that us taxpayers have spent over \$100  
17 million today which the last phase is going up South Fork

to

18 restore the salmon and Steelhead runs. So we are paying

for

19 that, \$100 million, which has phases which are going up  
20 where this project is going. We are also subsidizing PG&E

I

21 think until the year 2020 Pacific gas and Electric Company  
22 in California for the loss of water flow. So their

23 generators are not producing the power that they did,  
24 because we are trying to redirect that water without the  
25 fish. So you are going to look at those effects of the

1 Federal Restoration project in accordance with the loss of  
2 water, I guess that is what you are saying? Because I did  
3 not hear you say you are going to look at the Federal  
4 Restoration project too.

5 MS. McGRATH: Right, so they would be considered  
6 as part of the cumulative effects analysis on South Park.

7 MR. MARKS: That would be cumulative effects,  
8 right? To me that is a major cumulative effect.

9 MS. McGRATH: Right.

10 MR. HANSEN: That is the main reason we  
11 identified the park resources to be cumulatively affected  
12 because in the foreseeable future, when some of these  
13 anadromous fish will be up in the project area.

14 MR. MARKS: That is what I am saying and instead  
15 of \$50 million to move a boulder then these guys get to --  
16 you see what I am saying?

17 MR. HANSEN: We will definitely deal with, our  
18 analysis will include future conditions that will  
contribute

19 along with the effects of this project so we will, that is  
20 one of the things that we will be looking at.

21 MR. GARDEN:: Dennis Garden, Supervisor District  
22 3. The question in regards to the South Fork Battle Creek  
23 Project, we just had a FERC meeting at a sister hotel right  
24 up the street last month. Is that information going to get  
25 to this report also?





1 MS. McGRATH: What was that meeting? Which  
2 project?

3 MR. GARDEN:: It was for licensing for PG&E on  
4 the South Fork. It was the restoration project on the South  
5 Fork, they were for phase II of their licensing process as  
6 the gentleman just spoke on that project.

7 MR. HANSEN: it was a relicensing done on a PG&E  
8 project.

9 MR. GARDEN:: It was phase II, they did phase I  
10 and phase IA and now they were going for phase II  
licensing.

11 MR. FOSTER: Bill Foster, National Marine and  
12 Fishery service. In the distant past, when there was a  
13 relicensing process done for that series of projects, the  
14 band and everything on that, what PG&E elected to do at  
that  
15 time they made a management decision to work with the  
Bureau  
16 of Reclamation to restore habitat and work it into this  
17 rather large long-term kind of restoration project while  
18 still being able to generate power and things like that.

So  
19 what's germane to this particular project is that on the  
20 South Fork by, and this comes from the Reclamation website  
21 as far as I know, that by 2019 they are supposed to have,  
22 below the project here on the South Fork if you go  
23 downstream there is a South Diversion Dam, there is an

24 Inskip Diversion Dam and then there is the Coleman  
Diversion

25 Dam. They are going to improve the passage of Inskip Okay

1 and there are going to take out the other two dams by 2019.  
2 Once those dams are out like you were stating, so long as  
3 can potentially have access up into the project of Bypass  
4 Reach. The bypass reach is the reach that where the water  
5 is diverted out of and it comes back in.

6 MR. MARKS: That was in your documents, right?  
7 That you had put from 4 years ago.

8 MR. FOSTER: Well, yeah, the restoration project  
9 has the other.

10 MR. MARKS: Right, because I read a document  
11 you that says that it is very possible they could get to  
12 surface.

13 MR. FOSTER: Right. We actually have fish  
14 passage engineers that still believe that there could be  
15 direct effects of the project based on what amount of water  
16 at different times of the year is let into Bypass Reach  
17 because we feel that fish could still potentially get into  
18 the bypass reach in certain wet water years. So at the  
19 time we are not trying, we are looking at it because it is  
20 such a small area, as an opportunistic kind of area, that  
21 it is available to the fish to use for whatever way they  
22 fit, they should be able to move within there. Obviously

it

from

the

same

if

see

23 there are times of the year in the summer where the flow is  
24 still too low, the project may not operate if the flows go  
25 too low to begin with. So there may be times when you are

1 not operating, you are not affecting anything because there  
2 is not enough water in the system to do that. It is worse  
3 in drier years than it is in wetter years obviously. But  
4 like I said, we do not necessarily agree that the Panther  
5 Grade barrier is a complete barrier. That is where we are  
6 at. That is what my fish engineers are telling me.

Battle

7 Mr. GUSSING: My name is Steve Gussing for  
8 Creek Watershed Conservancy. Relative to assessing the  
9 effects on fish passage, is there some kind of study being  
10 proposed to further assess the Panther Grade, the  
11 passability of the Panther Grade site.

12 MS. McGRATH: Right. Now there has not been a  
13 request from FERC for them to do further passage studies so  
14 I think that is a point for discussion and comment if NMFS  
15 is feeling that it really is passable, we need to address  
16 this issue.

17 MR. MARKS: You might not want to speak to this  
18 but I believe one of the Applicants proposals is a  
19 monitoring plan at the powerhouse for the presence of  
20 anadromous fish for a certain number of years and if they  
21 are identified to have been present in the area then to  
22 consult with NMFS on some sort of passage solution at that  
23 point. You might want to clarify that, is that correct?

24 Audience 2: That is a problem because they know, the  
25 Federal Government knows that there is not fish here that



1 they will be there soon. So how can you say that?

2 MR. FOSTER: This is Bill Foster from National  
3 Marine and Fishery Service.

4 Audience 2: Do you understand what I am saying?

5 MR. FOSTER: Not exactly, could you

6 Audience 2: They know that there is blockage and we are  
7 paying lots of money as taxpayers to restore this, but  
there

8 are some main blocks right now. So to say that they can  
9 monitor it right now for the next years before the next  
10 phase of the restoration project where the fish can get  
11 through is kind of

12 MR. FOSTER: Understood. I think, I do not  
13 believe the monitoring effort is meant to be undertaken  
14 during the years when the other dams are still in place,  
15 because as you were saying, that is pointless. If they  
16 can't pass the downstream dams there is no point in

17 Audience 2: But they are already passing because there are  
18 already fish ladders.

19 MR. FOSTER: Bill Foster National Marine and  
20 Fishery service. The weird thing is that in the path  
21 through what we call a final rule, we designate a critical  
22 habitat from Angel Falls down. Now that habitat was still  
23 designated that way, even though there were dams downstream  
24 in existence.

25 MR. MARKS: Right, I got that.





1 MR. FOSTER: And it is kind of a strange kind of  
2 thing. Because one has to deal with the presence of  
3 critical habitat whether it is occupied or not, okay, and  
4 the way the restoration project is going in terms of its  
5 funding and playing, over a 30-50 year birth license, this  
6 is the horizon we have to look out into, we are assuming  
7 that those dams are going to come out on some sort of  
8 schedule and that kind of access will be potentially open  
9 anadromous fish that are coming in through the entire  
10 system.

to

11 MR. MARKS: I just went to a huge meeting that  
12 is the Chair of basically and it was very enlightening. We  
13 had Federal, we had State, we had all kinds of people there  
14 and they explained for an hour and a half how they had put  
15 fish ladders in, what is going on with the dams and the  
16 problem now on the next phase was boulders that were in the  
17 way. Then the fish could float freely all the way up.

he

main

18 MR. FOSTER: Well, right and then as far as  
19 is a whole bunch of moving parts to that restoration as you  
20 are probably aware of and the only things that are germane  
21 to this particular project is what particular impediments  
22 there are on the South Fork leading up to the project which  
23 are primarily the two dams that are going to be removed and

there

24 the improvement of the one in the middle. So that has not  
25 happened yet and it is supposed to happen in 2019 and that

1 may or may not stay as a fixed day, it is hard to estimate  
2 exactly how long that is supposed to take. We are going to  
3 go with that for now until they tell us otherwise.

4 So because of that, that is like you said one of  
5 the reasons we feel there might be, in the future, of  
6 potential direct effect because the fish get into the

Bypass

7 Reach and there is not enough water in there for them to  
8 travel back and forth. They have proposed a 13 cfs minimum  
9 flow but in some parts of that system they have also noted  
10 that 30-40 or 50 cfs is needed in some areas to get past  
11 some critical riffles and stuff like that. The point being  
12 is that we are not looking at this as you know, we want to  
13 establish and recover a population of fish within the

entire

14 drainage of the Battle Creek area. It is not all depending  
15 on this one 1.7-mile section. It is more like we would

like

16 fish to have the opportunity to utilize that if they can,  
17 really understanding that in some years they can and other  
18 years they might not be able to. That is what they do,

they

19 go up, they go down. They don't sit around and wait for a  
20 pool to dry up, they get the hell out of there if they can.

21 MR. MARKS: I am 5th generation California  
22 tonight. I fished Marin County all the way up the coast

and

23 there were salmon everywhere. There was always little dams

24 and everything and all of a sudden they disappeared one  
day.

25 You know, you had to fight the people to get those dams

1 broke and obviously we knew what we were doing but the one  
2 point I want to make to you is that it is a good thing to  
3 bring them back, but too I want you to understand Battle  
4 Creek South Fork has a unique purpose. That purpose is  
that  
5 man can't get in there.

6 You are talking to one of the few -- they call  
it  
7 a stream but it is really a river because my definition of  
a  
8 river is water that you can't walk across so to me it is a  
9 river it is not a creek Okay. So when you guys do your  
10 thing, if it happens and they come back and they run up  
11 there, people are not going to be able to go on nature  
hikes  
12 up there.

13 MR. HANSEN: No, I know it is not a place to  
14 exactly go picnic.

15 MR. MARKS: So this is one opportunity that you  
16 know.

17 MR. HANSEN: I know, it is very --

18 MR. MARKS: It's not going to be messed up by  
19 people, you know and that is kind of cool in a way. Thank  
20 you.

21 MR. CRAMER: If I could make a comment. Steve  
22 Cramer. Just so you understand the proposal, in case that  
23 happens, that is what Ryan was just telling us is that the

24 monitoring that was proposed is to determine if they arrive  
25 and if the monitoring would happen obviously after the dams

point 1 are allowing passage up there. There would not be any  
2 in doing monitoring. So the monitoring purpose is to make  
3 sure that they in fact are not accumulating there in the  
4 project area and if they are observed then that monitoring  
5 leads to action so we consult with NMFS and figure out what  
6 to do and there would be a plan to adapt to it. So us  
7 locals already know how many fish are in that creek, okay.  
8 So you know, you are talking kind of

9 MR. CRAMER: Well, I am talking about a mass of  
10 fish.

and 11 MR. MARKS: Well us locals, we live out there  
12 we know how many fish come by. We see them. You know, so  
13 my point is that you know it is, I am not talking about  
14 dams, you know we just installed fish ladders. We are  
15 talking about blockages that the Federal Government, \$100  
16 million is not cheap. I don't know if you saw the other  
day 17 but the federal deficit is now at of a million to pay it  
18 back. That is 175 thousand per person whether it is your  
19 son, daughter, a two-year old or a fresh born. So to spend  
20 \$100 million on a project to do something good is not  
21 something to take lightly.

22 MR. FOSTER: And I would like to clarify, Bill  
23 Foster again. They have you know proposals in there inside  
24 the case. At some point we will come to the point where



25 FERC will ask for Ready for Environmental Analysis and that

1 REA thing is what that means is that everybody, you guys,  
2 me, everybody can put in what we think terms and conditions  
3 should be for the operation of that project including  
4 certain levels of monitoring and it may be totally  
different  
5 from what they are proposing, they maybe like what they are  
6 proposing and if we don't know yet we are not that far  
along  
7 in that.

8 MR. MARKS: So they will be required to do an  
EIS  
9 is what you are saying?

10 MR. FOSTER: I personally feel that they may  
need  
11 to do something like that because of the potential presence  
12 in the future of a threatened fish. The Steelhead are  
13 threatened.

14 MR. MARKS: Who pays for the EIS, I would like  
to  
15 know that?

16 MR. FOSTER: Hmm?

17 MR. MARKS: Who pays for that EIS.

18 MR. FOSTER: Well that is the applicant usually.  
19 The EIS, actually FERC is the one that has

20 MR. MARKS: So in California if the developer  
21 wants to do something there is not a government entity, it  
22 comes out of your pocket. So he does not even need to do  
23 his California Environmental Quality Act Report. Again, us

24 taxpayers are paying for this application.

25 MR. FOSTER: Let's move forward.

1 MR. MARKS: I am sorry there, sir.

2 MR. FOSTER: But again, that is not something  
3 that is not something that we would even come up with in  
4 terms of terms and conditions that we are still  
formulating,  
5 that we are still trying to figure it out.

6 MR. MARKS: I understand the rules.

7 MS. McGRATH: Are there any other questions  
8 regarding issues surrounding the Aquatic Fisheries  
9 Environment. Okay, great. Thank you. Appreciate the  
10 conversation.

11 MR. BEECO: Yea,, let me look at that air real  
12 quick. Alan, you want to take over for Terrestrial  
13 Resources?

14 MR. MICHNICK: Okay, we have identified 5  
15 terrestrial resource issues for the project. The first one  
16 deals with habitat effects and we will be looking at the  
17 effects of project construction operation and maintenance  
on  
18 vegetation from habitat laws, habitat degradation, habitat  
19 fragmentation and the associated effects to local wildlife  
20 population.

21 The second issue deals with invasive species, we  
22 will be looking at the effects of private construction,  
23 operation and maintenance and recreational use on the  
spread  
24 of invasive plant species. We will be looking at special

25 habitats and particularly the effects of construction

1 activities and project operation on wetland and riparian  
2 vegetation. We will be looking at stress to wildlife  
3 populations from noise, construction activity, human  
4 presence, vehicle use, helicopter use. We will be looking  
5 at the effect of the project on special status species and  
6 we have identified Foothill Yellow-Legged Frog as a species  
7 that we will be looking at. We will be looking at  
8 construction, operation and maintenance.

9 We did have a study request from California Fish  
10 and Wildlife to do a survey of breeding Yellow-Legged  
Frogs.

11 We did want a little more information before we made a  
12 decision on that. We had a discussion this morning, a  
13 little bit and the applicant provided a little more  
14 information on the issue but Cal Fish and Wildlife wasn't  
15 available then and they are not here today so we probably  
16 still need to have some discussions with them. I will open  
17 it up now if anybody, I don't need to repeat what anybody  
18 said for the record, but if anybody in the audience has  
some  
19 information that may help us decide whether frog surveys  
are  
20 needed, we would like to hear from you.

21 MR. MARKS: I would like to point out that  
canyon  
22 where we live has an abundance of American and Golden  
Eagles  
23 so I do not know what type of distribution lines are going

PE&G 24 to run and safety, but the once I have seen so far from  
25 Gas and Electric Company have no assurance that they are  
not

1 going to be electrocuted when they hit the falls. As a  
2 matter of fact, you can see the delineators are only this  
3 tall and it is just a real beautiful site when you go up  
4 into those canyons and you see the eagles all over.

5 MR. MICHNICK: Yes, we definitely will look at  
6 the transmission line, look at electrocution and collision.  
7 I am not exactly sure why it did not include that as an  
8 issue. It typically is a standard issue that we address

and

9 we will make sure that the line meets the current raptor  
10 protection standards that are available. Any other  
11 questions on terrestrial resources or Yellow-Legged Frogs?

12 MR. MOORE: I have a question, Sean Moore,  
13 Director of Planning. Is this process the EA because that  
14 is different than CEQA? Is this just the environmental  
15 assessment to determine the level, specific type of NEPA  
16 document or as you guys just doing environmental

assessment?

17 MR. MICHNICK: At the moment, we plan on doing  
18 environmental assessment. Certainly that is the purpose of  
19 scoping to make sure that we make a right decision so this  
20 is an opportunity to provide comments if you disagree with  
21 our decision to do an environmental assessment instead of  
22 Environmental Impact Statement. That is our current plans  
23 but certainly scoping will help inform that final decision.

an



24 MR. MOORE: Another question I have is on the

25 CEQA, we have the State Resources Michelle sitting here. I

1 have talked to her so many times. Hi Michelle. Great  
2 people. Are you guys running joint documents? Is the  
state  
3 requiring an EIR or what type of level of CEQA are we  
4 talking about and how are you guys, typically when you do  
an  
5 EA with an EIR or if there is potential for that I mean it  
6 is hard to meld those two documents and we had discussions  
7 about that. So I was wondering what type of level specific  
8 on the NEPA side and CEQA side are we looking at.

9 MS. LOBO: Michelle over at State Level. I will  
10 answer. We are not doing any joint NEPA/CEQA document.

11 MR. MOORE: So you are not?

12 MS. LOBO: We are not and I will present after  
13 them on the CEQA.

14 MR. GARDEN:: Dennis Garden, supervisor District  
15 3, on the slide just prior to this one we talked about  
heavy  
16 equipment operation and so forth. Any consideration for  
17 what it is going to do to our roads, both county roads and  
18 state highway for getting this equipment to and from the  
19 proposed site?

20 MR. MICHNICK: I will pass that question to our  
21 recreational land use person.

22 MR. BEECO: It has not currently been brought up  
23 as an issue but if that is something that you feel should  
be

24 evaluated we will consider that.

25 MR. MARKS: You should see those canyons. It

1 will be fun.

2 MR. MICHNICK: That was addressed in the license  
3 application. Any other questions before we move on from  
4 terrestrial? And again, any comment you have we would  
5 certainly like to hear from you in your comments on the  
6 scoping documents.

7 MR. MOORE: I have one more question, sorry.  
8 Sean Moore, Director of Planning. So, on the yellow-Legged  
9 Frog because the county has worked with the resource  
10 agencies and drafting letters and we have a coordination  
11 committee with Tehama County, so we know this is a big  
issue  
12 with the Yellow-Legged Frog. What kind of feedback have  
you  
13 gotten from California Department of Fish and Wildlife in  
14 terms of -- have they submitted a comment letter. I have  
15 talked to them on the Yellow-Legged Frog issue. I was just  
16 wondering what kind of comments you received and the  
17 potential impact.

18 MR. MICHNICK: Yes, the application does include  
19 measures to deal with the construction period that they  
will  
20 survey the stream reach and if they find any frogs they  
will  
21 relocate them and they will work that out with California  
22 Fish and Wildlife. Subsequent to that discussion, Cal Fish  
23 and wildlife has come in with a recommendation to do

is 24 surveys, actually do surveys in the Bypass Reach and that

25 what we are in the process of evaluating the need for those

1 additional surveys. So that decision will be made pretty  
2 shortly on that.

3 MR. MOORE: Thank you.

4 MR. MICHNICK: Rarest and threatened endangered  
5 species. We will look at the potential effects of the  
6 project, construction, operation and maintenance on the  
7 Red-Legged Frog. As we mentioned this morning, we will  
8 look at Spring Chinook, Steelhead and designated critical  
9 habitat for those species.

10 MR. FOSTER: I would also like to mention,  
11 Bill Foster, Northwest Marine and Fishery Service, the  
12 species of concern would be Fall Run Chinook Salmon and  
13 there is also potential for Winter Run. At least to get  
14 into the Battle Creek System. We are not sure exactly how  
15 far they will go because Winter Run require colder water  
16 during periods and obviously that runs a little differently  
17 than the Spring Run but those are at least the Spring Run,  
18 the Winter Run and the Steelhead are a threatened and  
19 endangered species and of course you said you want to  
20 include that now but your original document kind of left  
21 them out of it. They were really in that section.

22 But I am glad you are considering them because  
23 again we have to look at the long-term horizon and there  
24 could possibly be direct effects and it is probably going

also

other

to

25 go with some sort of not necessarily mitigation but some

1 sort of level of monitoring or something like that to be  
2 worked out in the future when we get more information  
3 together and we put our terms and conditions together you  
4 will have more information of that.

5 MR. MOORE: The species that we will deal with  
6 are threatened and endangered, they are never, they are  
7 usually listed and finalized by the time of scoping. That  
8 is also part of the scoping process, finding what new  
9 species that we have not learned about so in this case we  
10 will definitely take a look at the Fall Run and the Winter  
11 Chinook and consult you underneath it. Again, with the  
12 effects on this fish.

13 AUDIENCE: Can I ask a question of Dr. Cramer?  
14 Would you say that springs that you said come in below  
15 Panther Grade, do you think that could support some habitat  
16 for Winter Chinook at those temperatures.

17 MR. CRAMER: Yes, it could. So Winter Run, the  
18 deal is that the optimal range for all of these species  
19 whether they be Winter Run, Spring Run or anything else is  
20 similar. The issue is their life cycle. When are they  
21 there so what do they have to withstand? When do they lay  
22 their eggs because eggs have a very different sensitivity  
23 than to the fish. So 59 degree steady water is the kind of  
24 situation that probably sustained Winter Run to start with  
25 because it means year round you have 49 degree. Here we

had





1 the severest drought on record and we had 49 degree water  
2 below downstream we got 28 cfs that was below Panther  
Creek.

3 That is a nice little stream and they need  
4 holding water so there are more issues than just the  
5 temperature but any species of salmonid could inhabit that  
6 and a race could inhabit that if that was all they had to  
7 encounter. Next, it will be what they have got to get in  
8 and out of to get there along their life cycle because they  
9 go to the ocean and come back. So timing is a big issue  
but  
10 it was cold springs like that that really supported the  
11 strip of Winter Run Chinook.

12 We do not have them anywhere else on the West  
13 Coast that were going to springs like that. We have  
springs  
14 in other parts of the West Coast but because of the route  
to  
15 and from, they do not support Winter Run but they might  
16 support Spring Run. You got the Metolius, you got Spring  
17 Run on the McKinzy. Those are both spring-fed systems in  
18 Oregon. Anyway, so it depends but that is the right  
19 temperature and there is good flow, so if everything else  
20 could get in there and back, that could be Winter Run. The  
21 situation there and back is not easy. That is not likely  
to  
22 work out. It will lower itself before it gets warm. We

Thank 23 will be evaluating that and so will our counterparts.

24 you.

25 MR. MICHNICK: Any other questions on rarest,

1 threatened and endangered species?

at

2 MR. BEECO: All right, so recreation land use,

of

3 this time we have not identified any recreation issues but

4 we will be evaluating the effects of project construction

5 new, permanent and temporary roads on current land use

6 practices. Aesthetics effects project construction

7 operation and maintenance on the aesthetic resources in the

8 vicinity of the project. Cultural resources effects

eligible

9 cultural resources that are eligible or potentially

10 in the National Register of Historic Places.

11 Socioeconomics: The effects on the local economy.

12 Developmental resources: The effects of the proposed or

13 recommended protection mitigation and enhancement measures

14 on Lassen Lodge project Economics. Any questions on any of

15 those last few resources?

16 MR. FOSTER: Actually, Bill Foster with National

17 Marine and Fishery Service. That one slide where you

18 mentioned obviously you have to consider the comprehensive

19 plans, many of which are on a large list that you are

20 producing. Not to mention that consideration has not been

21 finished yet but after we file our Central Valley Recovery

22 Plan for the three major species, Winter, Spring and

entire

23 Steelhead which covers a huge area. I mean it is the

24 Central Valley and hundreds of potential places that it

25 could apply to though we did file that under the docket to

1 considered as a comprehensive plan. But again, you know it  
2 is not officially on there yet because you are still  
looking  
3 at it.

4 MR. BEECO: Okay, thank you.

5 MR. FOSTER: But we did explain why we feel it  
is  
6 a comprehensive plan according to the criteria that you  
used  
7 to decide.

8 MR. GARDEN:: Dennis Garden, District 3  
9 Supervisor. On your slide it talked about, trying to think  
10 now going backwards we talked about recreation. We  
have  
11 lots of people that park at the Old Highway and walk in to  
12 the Highway Bridge and fish that creek from top to bottom.

13 MR. BEECO: Al right, thank you for that. (To  
14 Court reporter) make sure you get that right.

15 MR. GARDEN:: Most any given day during the  
16 season, if you drive up 36 to the old road that goes into  
17 the Highway Bridge, there are cars there and people have  
18 walked in to fish.

19 MR. BEECO: Okay.

20 MR. MARKS: I think they are planting that.

21 MR. GARDEN: We got the church campus --

22 MR. MARKS: Because of the Metolius, of this  
area  
23 coming down Ponderosa toward Manton, there are numerous

24 Indian sites that are not on the historical lists. We

25 locals know that.

1 MR. BEECO: Okay.

2 MR. MARKS: That is just because it has really  
3 never been put down on the lists. Some of it was destroyed  
4 by the fire so potentially if it pops up, it pops up.

5 MR. BEECO: I know we sent letters out to the  
6 tribes and our Cultural Resource Specialist is not here.

7 MR. GARDEN:: There are no tribes in that  
general  
8 area but it is historically.

9 MR. MOORE: Sean Moore, Director of Planning  
10 Tehama County. I need you guys to look at the County's  
11 general plan that is on our website, so you need to look at  
12 the open space, our recreational elements and also our  
13 agritourism policies in the forest areas, that is important  
14 so we need to make sure that you guys look at those for  
15 policies because this is a recreational county and so those  
16 statements and policies are in our general plan that was  
17 recently adopted in 2009. So you need to make sure you  
guys  
18 review those for consistency with those policies.

19 MR. BEECO: Thank you. Ryan, got that as well?

20 Mr. Antone: Gary Antone, Public Works, Tehama  
21 County. A question in regard to your comment about the  
22 roads itself, not having seen the plans for the hole, we do  
23 not know at this point in time what your access routes are,  
24 what size vehicles are going to be over there, how many



25 vehicles, what the effect of that is going to be as you had

can

1 mentioned earlier on the roads themselves but also if we  
2 get the long-term maintenance of what size vehicle has to  
3 get up there to build this particular structure. You know,  
4 what the facilities are and then what is the end result of  
5 when that construction is done, what happens to the major  
6 damage of the curves on whatever route is put in place at  
7 that point in time. What is the long term maintenance of  
8 that particular route and how often are they going to have  
9 to be in there maintaining the site?

but

10 MR. BEECO: We will be evaluating all of that  
11 there are some things in the plan and in the license  
12 application that say a temporary road, that they will do  
13 after that road is no longer going to be in use, you know,  
14 replanting or whatnot. They have that in their  
application.

15 So we will definitely be evaluating those types of things.  
16 The one thing that you guys mentioned that was somewhat new  
17 would be evaluating roads kind of outside the project by  
18 bringing in new and heavy equipment on regular roads but  
19 that is something

20 Mr. Antone: We are going to take turns and  
21 monitor areas and that could be submitted and issued.

go

22 MR. MARKS: Us locals, because I hope you guys  
23 look at those roads.

24  
tomorrow.

MR. BEECO: We will be up through there

25

MR. MARKS: We will 4-wheel drive, we will drive

1 our ATVs. I cannot imagine the type of work that will have  
2 to go on those canyons to get any equipment in there, let  
3 alone a truck.

4 MR. BEECO: We will be there tomorrow.

5 MR. MARKS: Mine is on one of those TV shows in  
6 Peru.

7 AUDIENCE: Could I ask Rugraw, I mean to you  
have  
8 any indication at this point as to what types of vehicles  
9 that you will use?

10 MR. THOMPCKINS: Yes, we have included that in  
our  
11 license application. We have it broken down.

12 AUDIENCE: Maybe worth sharing with the crowd.

13 MR. THOMPCKINS: Yes, we have the application  
here  
14 and we can go through our list of equipment. They are  
15 relatively small piece of equipment relative to what we  
16 would use to fight fire for example, and we were looking at  
17 you know D6 or smaller pieces of equipment. Not D9s or  
18 bigger pieces of equipment or big excavators. We only have  
19 one site where we are actually in the stream itself. The  
20 only place we are in the stream is at the diversion because  
21 the powerhouse and tower-raiser have been designed above  
the  
22 actual creek itself. It is the only place we are actually  
23 in the stream is there. We are essentially going to access

24 off of Highway 36 and access everything from the South Side  
25 of Battle Creek with the exception of the transmission  
lines

1 which are essentially single pole sets that essentially go  
2 up to the Manton point of interconnection.

3 MR. MARKS: You can see that it is so steep that  
4 even if you knock a block off the road that it will run all  
5 the way to the river.

6 MR. THOMPCKINS: That is one of the elements that  
7 we have to manage as part of the storm water pollution  
8 prevention, that is part of the construction of the  
project.

9 AUDIENCE: You know on the North Side there is a  
10 large rhyolitic formation process popping out that really  
11 has not consolidated with soil so mass wasting is a concern  
12 there. I mean the fires really

13 MR. THOMPCKINS: Yes, well again we won't be  
14 affecting any of that stuff because we essentially span the  
15 whole canyon to get to the other side.

16 AUDIENCE: And then your transmission line is on  
17 our side, going across.

18 MR. THOMPCKINS: Right, that is what I am saying.  
19 It essentially spans that.

20 MR. CRAMER: Yes, it goes across the canyon and  
21 then it runs parallel with South Fork and Battle Creek and  
22 that is where the rhyolitic formation is found.

23 MR. MARKS: No. It is in the ditch north of the  
24 creek. It goes up, crosses first upper South Fork then it

is 25 crosses Battle Creek and then it gets on the ridge and it

1 away from that.

2 MR. BEECO: Yes, okay.

3 AUDIENCE: And there are access roads existing,  
4 long roads and a lot of them were upgraded during the fire  
5 but they have been there forever and SPI maintains them,

you

6 know, for all the regulations and so forth. There is no

new

7 road construction that would go in any of that element from  
8 the powerpoint.

9 MR. CRAMER: Thanks for the picture.

10 MR. KUFFNER: Just to be clear, there are only  
11 two small extensions to the SPI roads where 110a pulls off  
12 just before the old bridge, there is an extension that is  
13 right on top of the Penstock that goes to the diversion and  
14 then there is an extension at the very bottom right at the  
15 powerhouse. Each of them are dimension but they are less  
16 than half a mile each. Everything else will be utilizing  
17 existing SPI roads on the side.

18 MR. MOORE: One other comment I want to add from  
19 planning, Sean Moore Director of Planning, Tehama County.

20 On the land use plans in the zoning we need to document to  
21 acknowledge that Tehama County is still going to require,  
22 our review is still required and that conditional use

permit

23 will be required as the part. We will be dovetailing off



so 24 the document created by Water Agency, the research agency

25 we are going to be working off of their document as the

1 responsible agency but we need some comments in the record  
2 and they still need to go to Tehama County for final  
3 approval with the conditional, discretionary use permit and  
4 review of the CEQA document.

5 MR. BEECO: So the last one on the slide is the  
6 mailing list and the scoping document, section 9 is how you  
7 can get some instructions on how to get signed up on that  
8 mailing list and again we can work with some of you who are  
9 having trouble with the FERC website as well. Go ahead,  
10 Bob.

11 MR. MARKS: Robert Marks from Manton. This is a  
12 meeting that should have taken place in Manton since you  
are  
13 impacting our community. The only information since this  
14 project has been going around for 15 years or more was a  
15 public notice that in my opinion was flawed. Usually  
16 California CEQA or whatever requires that it goes to the  
tax  
17 assessment rolls. I can tell you there were numerous  
people  
18 that were notified, that were sent to the properties. The  
19 properties on the map were not even listed correctly.  
There  
20 was no notification in my community that you guys were even  
21 coming to town. Usually when a developer or an  
22 out-of-country corporation wants to do something, and I  
have  
23 worked for lots of developers, Dutra, Kaiser, you name it.

24 They always invite the community.

25 Then you guys come in. This community up there

are  
1 knows nothing. This should have happened up there. You  
2 impacting a community up there that were not invited. As a  
3 matter of fact, you did not even invite our county to come  
4 here tonight. I placed phone calls. I am outraged with  
5 that. I have other problems with these lines that we  
cannot  
6 erase down Carhouse Road through our community because PG&E  
7 has that. Those people that were in the distribution lines  
8 will tie into are complaining they hum, they hum all the  
9 time. So now, because they bought two property owners out,  
10 two out of the whole community they have decided to run  
11 their power lines down the middle of the rest of the  
12 community. These are not just regular KV lines that run  
13 regular electricity, this is some big stuff that they are  
14 running across kids' bus stops, they are running it across  
15 drinking water sources.

16 One of the property owners that sold out, my  
17 neighbor decided to let these guys run the power lines down  
18 my property line, down my neighbor's property line, down  
the  
19 other property line. She let them put it all on the  
outside  
20 of her property. She did not care about the rest of the  
21 neighbors. I can guarantee that every one of them would  
22 have showed up tonight if it wasn't for that water issue  
and

lot

23 the ones that were older, I said "Don't worry, we have a

24 of time".

25 This is going to start a very, very big thing in

1 this community. I guarantee it will be 99 to 1. Those  
2 property owners that sold out to these guys and it will be  
3 the rest of this community. Property values are not doing  
4 that great up there. We just got recognized as one of the  
5 Federal wine-growing places in the country. We are  
6 struggling up there. We do not need to have 10-foot or  
more  
7 high poles going across my kid's bus stop. I mean some of  
8 these lines are running right by these peoples' houses 50  
9 feet away, 100 feet away. Tell me they don't hum, 5  
10 megawatt in the middle of winter? And then you have a fire  
11 and don't tell me, I mean my son I read some of the  
rules,  
12 you cannot run it across kids' bus stops. I don't see any  
13 alternative, they tried to go around our community and that  
14 guy would not sell out. So you find two guys, you don't  
15 even talk to the community and then you jam the project  
down  
16 their throat? I am outraged. At least you could have come  
17 to my community and said "Hey I am going to do something  
18 good for you". I don't like this issue because you know  
19 what it is going to do, it is going to pulverize our  
20 community. Now we have to go out, organize, watch all this  
21 stuff so some people from out of town you know most of us  
22 moved up there to get away from this type of thing in life.  
23 You don't know that? I would say about 90  
24 percent of the people up there moved up from big cities you

25 know. I can tell you every single one of my neighbors, as

1 soon as they hit Hayes and Rudd, every single one of them,  
2 where you follow those lines, no way. You are going to  
3 decrease our property values. So I don't know what. I  
hope

4 that you guys I don't have time to learn all your rules.  
5 But if it does go across kids' bus stops and it does  
impact,

6 I am counting on you guys to do your job and say no.

7 MR. GARDEN:: In regard to your distribution  
8 list, your main list. You have in here Bill Goodwin,  
Tehama  
9 County Department of Administration, 727 Oak Street. That  
10 is the physical address. The mailing address is P.O. Box  
11 250, Red Bluff. William Murphy has not been our County  
12 Counsel for almost six years. Okay, so your information is  
13 flawed, which tells me that there must be some flaws in the  
14 original application.

15 MR. MARKS: Exactly. Start over.

16 MS. LOBO: So you were looking at the  
information  
17 that was the address.

18 MR. GARDEN:: Just hand it out to him. Back  
19 there in the back.

20 MS. LOBO: But I mean the mailing list. If it  
21 was Tehama County mailing list then that would be I  
actually  
22 gave the Federal Agency information that I got the other  
23 day.



24 MR. GARDEN:: Well, it's wrong. The only way  
the  
25 three of us from the County are here is this gentleman

1 called me today because he knew about it. We did not know  
2 anything about the meeting in Sacramento this morning  
3 otherwise I would have been there.

4 MS. LOBO: But I did put Sean's name down to get  
5 the notice. Okay, well I apologize.

6 MR. GARDEN:: There is a glitch someplace. I do  
7 not know where it is at, but we were not notified  
officially  
8 except a phone call from this gentleman and I rallied the  
9 troops and we are here to support our Manton residents.

10 MS. LOBO: I would like to get all of your  
11 contact information.

12 MR. GARDEN:: Not a problem. I have a business  
13 card ready for you.

14 MR. MARKS: My point also is that the developer  
15 has a duty under law to notify the property owners and that  
16 was not done.

17 MR. KUFFNER: Actually, it was done to the best  
18 of our ability and you should have gotten a certified  
letter  
19 for about.

20 MR. MARKS: I've got two maps, they are not even  
21 correct.

22 MR. KUFFNER: Well you obviously got the notice  
23 because you called me.

24 MR. MARKS: I got your notes but your maps were

25 incorrect and you know what, I will bring lots of people in

1 that you did not notify.

2 MR. KUFFNER: Well, we made an attempt to notify  
3 everyone.

4 MR. MARKS: Prove it now.

5 MR. KUFFNER: Sean, you got the distribution  
6 letter, so I need to look to see if you got the letter.

7 MR. MOORE: I will have to go back to the  
office,

8 you know, I do not know when it went out there.

9 MR. KUFFNER: Because what I have tried to do is  
10 in addition to FERC sending their notices out to the people  
11 that I have emails for on the distribution list, which we  
12 have maintained for some time, is to send stuff out  
directly

13 as well. So we need to check to see if that has all  
14 happened and if we do not have the right email addresses,  
15 let us make sure we have the right addresses. We have  
16 issued the service list and the service list was just  
17 reposted on the FERC site when we issued our base-flow

study  
18 and we have really made an attempt to make sure everyone  
was

19 communicating. This meeting was set up by the State Water  
20 Resources Control Board who did the announcements on that  
21 and we did not.

22 MR. MOORE: Thanks for coming forward. We  
showed

23 up so we put our comments in and we will just rectify the

24 addresses.

25 MS. MONHEIT: This is Susan Monheit with the

1 State Water Board. So first of all I would like to clarify  
2 or reiterate. I hope it has been said that comments are  
3 being accepted by FERC and State Water Board, written  
4 comments until December 5, 2014 so there is opportunity to  
5 put that in. Michelle gives the presentation about the  
6 component apart from FERC's presentation. We have not  
7 gotten to that yet so I will give you a spoiler sneak  
8 preview on that. What the State Water Board is using this  
9 meeting to accomplish is two things. We are seeking --  
10 information from agencies and interested parties on what  
11 kind of document, informal consultations.

CEQA

12 So for the State Water Board, this meeting  
13 two purposes. It acts as an informal consultation for the  
14 public and agencies to give us feedback about what kind of  
15 environmental document under CEQA the State Water Board  
16 should pursue, whether that is going to be a negative DAC,  
17 mitigated negative DAC or an EIR and then should we  
18 determine an EIR is appropriate we are seeking input on  
19 significant impacts and resource areas that would be  
20 impacted. This is not necessarily the only scoping meeting  
21 that would be held. If the public has interest and there  
22 are people who have not had an opportunity to come forward,  
23 we can hold another meeting. We are trying to work, the

serves

a

and 24 State Water Board is making and effort to work with FERC  
25 we wanted to join them in their scoping meeting to

1 participate, we are trying to be more transparent and work  
2 together in more ways so that is why we are here at this  
3 point but this is not the only opportunity for the public.

4 MR. MARKS: I have seen this before, this is not  
5 a negative DC. Let's be serious, you use your NEPA  
document  
6 as your CEQA document. I have been to your regional water  
7 control meetings and they are about 99.9 percent  
8 high-powered lawyers from Sacramento so we are just a small  
9 community. You know that they are going to require a NEPA  
10 document so your CEQA document will be part of the NEPA  
11 document.

12 MS. MONHEIT: No, in this particular instance  
13 since the NEPA and CEQA are going to be developed  
14 concurrently, we are not going to tier off the NEPA.

15 MR. MARKS: But you guys always do that.

16 MS. MONHEIT: Always do which?

17 MR. MARKS: You guys always do that, when the  
18 Federal Government comes in under NEPA, you guys always do  
19 not have to require the developer to pay for the CEQA  
20 document.

21 MS. MONHEIT: We are. In this case, they are  
22 going to pay for a CEQA document and the two document  
23 processes are going to proceed at the same time. We are  
not  
24 going to wait not we, the applicant is not going to wait



25 for NEPA to be completed and then pay for the CEQA. So the

1 CEQA cannot tier off the NEPA in this instance. They are  
2 both going to be developed fully, simultaneously.

3 MR. MARKS: At the same time.

4 MS. MONHEIT: Simultaneously.

5 MR. MARKS: That is my point.

6 But we are funding the CEQA.

7 MS. MONHEIT: But separately.

8 MR. MARKS: So it is a bifurcated process.

9 MR. BEECO: So in the past what has often  
10 happened is we have written the NEPA document and then  
after

11 that, in this case we are not doing that. They are being  
12 written at the exact same time independently.

13 MR. MARKS: Well, that's different.

14 MR. BEECO: Different.

15 MR. MARKS: That is good, that is real good. I  
16 like that.

17 MR. BEECO: Well --

18 MR. MARKS: Because you know under California  
Law

19 if there is one adverse impact on the environment, he also  
20 has to mitigate under California Law, not federal. He has  
21 to mitigate. There cannot be any inverse impacts. Any  
22 inverse impacts on the environment have to be mitigated,  
23 sometimes triple over or whatever decided. Two, he has to  
24 have alternatives. I once needed alternatives. Is there

25 alternatives to running these power lines through the

1 community? Instead of subjecting us to what he wants?

2 MR. BEECO: Well, that could be evaluated.

3 MR. MARKS: Well, it should have been in his  
4 proposal. Anybody would have had plan B if you are going

to

5 go through CEQA and plan C.

6 MR. HANSEN: Under NEPA, the applicant is not  
7 required to submit multiple proposals, they just have to  
8 send us what they are proposing.

9 MR. MARKS: Right.

10 MR. HANSEN: If all the proposals come in from  
11 say the public or other agencies, we have to evaluate them  
12 and we will do so but they are not required to think "well,  
13 we will try route 1, 2, or 3. We really want them to say  
14 "we want to do route 1" so we can analyze.

15 MR. MARKS: It is hard to work in change.

other

16 MR. HANSEN: Depending on the comments from  
17 folks, they can adjust their proposal or depending on the  
18 analysis that FERC does looking at other recommendations  
19 that come in. you know, we could require something  
20 different. A different transmission route, it could be any  
21 number of things.

22 MR. MARKS: I would rather see them put a solar  
23 plant down there and do solar. Give people jobs. You can  
24 make more KW, we get so much sun up there. If you know

25 anybody that is the place to put is.

1 MR. HANSEN: That is not in our toolbox  
2 unfortunately. That is not something I can make them do.

3 MR. MARKS: They would make a lot more money in  
4 the long run, give some jobs to the community and have it  
5 right there. One of the property owners who has enough  
6 land. I don't know if the Germans from Germany would go  
7 that. That is where the company is from, right?

8 MR. KUFFNER: They are. They have not been  
9 involved for years.

10 MR. MARKS: I apologize for being so unruly.

11 you are from Graham County where I was raised in Tibron,  
12 California?.

13 MR. KUFFNER: I currently have an office in  
14 Tibron.

15 MR. MARKS: That is one of the richest places in  
16 the United States.

17 MR. BEECO: Go ahead.

18 MR. FOSTER: Bill Foster with National Marine

19 Fishery Service. When the State and FERC develop their  
20 environmental document, they have to look at other  
21 alternatives or at least present some other alternatives,  
22 how the project might be operated or whether the project  
23 exists or not exists. There are various alternatives in a  
24 NEPA document and a CEQA document that you have to consider

for

But

and

25 as part of that process.

1 MR. MARKS: You guys have to consider. You are  
2 just putting one plan up.

3 MR. FOSTER: Right, but what they propose and  
4 however they propose that, FERC takes their information as  
5 well as everybody else's proposal essentially and they  
6 evaluate it and see what potential environmental effects  
are  
7 and what other alternatives could be done. Alternatives  
are  
8 different from say, what they are proposing.

9 MR. MARKS: No disrespect sir, I have read a lot  
10 of CEQA documents and I have read a lot of NEPA documents  
in  
11 my life so I am well aware of it but thank you.

12 MR. FOSTER: No I just thought I would, sure,  
13 bring it out. I know it is a daunting task.

14 MR. BEECO: So again, comments are due December  
15 5, 2014 FERC. So how to file, again we can go over this  
16 with some of you individually or help you through that. Or  
17 we can point it out to the help line as well and send some  
18 of the materials as well. In addition, just in summary,  
19 some online resources that we have and again this is basic.  
20 A lot of this is kind of run through the same system so if  
21 you are having trouble accessing it here, you are having  
22 trouble accessing all of it. So you can E-file which is  
23 once you have registered and everything else like that you  
24 can upload documents and comment. E-comments is a way to



25 make your comments without going through the registration

1 process and all that, but then you can essentially only put  
2 in Text comments. E-subscription is where you can  
subscribe  
3 to the project. So anytime anything is filed on the record  
4 you will get an email notifying you saying something has  
5 been filed and it was filed through a link and you will  
just  
6 click that. You know we always recommend if anybody is  
7 interested in the project. E-subscribe. We all  
8 e-subscribed at FERC to the project so that when anything  
is  
9 filed we get notification about that and then e-library all  
10 which is the system that allows you to look through the  
11 history of the project and anything that has been filed on  
12 the project. So the site visit is taking place tomorrow,  
it  
13 is leaving out of Red Bluff and there is more specific  
14 information in the documents that you have about that  
15 meeting. If you are interested in going, notification was  
16 supposed to be given to Mr. Charlie Kuffner by October 21,  
17 2014 but if you are interested in going and you did not  
18 register you can speak with him and see if space is  
19 available to go tomorrow. For FERC that is it at this  
time.  
20 We will take any questions and then we will pass it over to  
21 the Water Board.

22 MS. LOBO: Hello, my name is Michelle Lobo and I  
23 am with the State Water Resource Control Board. I am the

- 24 Project Manager there at the State Water Board for the
- 25 Lassen Lodge Hydroelectric project.

1 Today, I plan to discuss some background information about  
2 the Water Board's mission and role regarding the California  
3 Environmental Quality Act, or CEQA and the Water Quality  
4 Certification. I also will discuss the CEQA process, how  
5 the public can provide input, types of CEQA documents,  
6 environmental resources and the next steps and what to  
7 expect. Here is the State Water Board's Mission Statement,  
8 followed by the website. The State Water Board's Mission  
9 Statement is to preserve, enhance, restore the quality of  
10 California's water resources and ensure their proper  
11 allocation and efficient use for the benefit of present and  
12 future generations. The State Water Board has authority  
13 over water rights and water quality in California to  
protect  
14 California's waters. The state water board protects and  
15 enforces many water uses including in the needs of  
industry,  
16 agriculture, hydropower, municipal districts and the  
17 environment and must balance the various beneficial uses of  
18 water. The State Water Board has received an application  
on  
19 May 20, 2014 from the applicant Rugraw. The application  
was  
20 for a Water Quality Certification. The State Water Board  
21 regulates hydroelectric projects by issuing Water Quality  
22 Certifications under Section 401 of the Clean Water Act.  
23 Water Quality Certification focused on protecting water

24 quality, balancing the beneficial uses of water and  
25 considering the existing water rates.

1 Now I will talk a little bit about CEQA and how it relates  
2 to the Water Quality Certification. Since the State Water  
3 Board would be making a discretionary decision about the  
4 Water Quality Certification, the State Water Board must  
5 comply with CEQA as Rugraw, LLC is not a public agency, the  
6 State Water Board is the lead agency for CEQA and will  
7 decide the type of CEQA document to prepare and the level  
8 detail in that document. The State Water Board has  
9 independent judgment when approving or denying the issuance  
10 of Water Quality Certification.

of

11 So the State Water Board will use the CEQA  
12 document to develop an assessment of the project. The CEQA  
13 document will be used to support the action taken for the  
14 Water Quality Certification if it is issued, including any  
15 conditions in the certification. The Water Quality  
16 Certification applies to the construction at the project  
17 the operation and maintenance of the project over the term  
18 of the Federal Energy Regulatory Commission license.

and

19 MR. KUFFNER: Question. This is Charlie Kuffner  
20 with Rugraw. Can maybe you describe the joint agreement  
21 have with the county as well for their participation in the  
22 CEQA process that you have executed together.

you

23 MS. LOBO: Yes, so the State Water Board and  
24 Tehama County had discussions about which agency would be

25 the lead agency for the CEQA documents since Rugraw is not

1 able to be the lead agency for the CEQA document and both  
2 Tehama County and the State Water Board came to the  
3 agreement that the State Water Board would be the lead  
4 agency for the CEQA document. Does that sound right, Sean?  
5 I just want to make sure.

6 MR. MOORE: Yes, that is correct.

7 MS. LOBO: Okay. This answers your question?

8 MR. MOORE: Sean Moore, Director of Planning at  
9 Tehama County. Just to provide clarification for the  
10 residents and everyone in the room. The reason why we  
11 decided to go with making them the lead agency. I lead the  
12 project and the vast majority of that project is with  
13 generally may be under the jurisdiction of the Resource  
14 Board. The Planning Department worked with County  
Counsel's  
15 office and with the CEO's office and we came to the head of  
16 looking at the whole totality of the project. We decided  
it  
17 is best to go with the Resource Board and run the  
documents.  
18 Of course, we want to be part of the CEQA process as well  
as  
19 the FERC process at all stages of the game to make sure our  
20 comments as well.

21 MR. KUFFNER: This is Charlie Kuffner with  
Rugraw  
22 and we went to the County, we met with Sean and talked  
about



23    having the County be the lead agency before we came around  
24    to the conclusion that it would be the State Water  
Resources  
25    Control Board.  They made the decision.  We were not

1 involved in that decision but we did the running. Just so  
2 you know, we have really tried to be very communicative  
with  
3 everyone and be open. So the fact that there are  
4 communication issues here is unfortunate because that has  
5 definitely not been our MO. We have been trying to be very  
6 open with everybody about everything we are doing here  
7 because we want this to be part of the community. To  
8 clarify, this is a private entity that I am the principal  
of  
9 and I have been involved in for several years.

10 MR. MARKS: It is not uncommon in California to  
11 have a lead agency be the Water Board or the Army Corps of  
12 Engineers. As a matter of fact, it is pretty uncommon to  
13 even see a County become the lead agency in such a large  
14 scale project but thanks for the comments.

15 MS. LOBO: So if the Water Quality Certification  
16 for the project is issued, the conditions in it become  
17 mandatory part of the Federal Energy Regulatory Commission  
18 License. Nothing in the Water Quality Certification can  
19 prevent Federal Law. It is additive to any conditions or  
20 places on the project.

21 Okay, so today and throughout the comment period, the State  
22 Water Board is seeking comments on the type of CEQA  
document  
23 that should be prepared and the impacts that should be  
24 analyzed and project alternatives. The objectives of CEQA

25 include disclose to decision makers and the public the

1 significant environmental effects of proposed activities,  
2 identify ways to avoid and reduce environmental damage,  
3 prevent environmental damage by requiring implementation of  
4 feasible alternatives or mitigation measures, disclose to  
5 the public reasons for agency approval of projects with  
6 significant environmental effects, foster agency  
7 coordination in the review of projects and enhance public  
8 participation in the planning process. So our plan for the  
9 CEQA process is to collect written and verbal comments and  
10 then determine the type of CEQA document to be prepared,  
11 issue a draft CEQA document for public comment and issue a  
12 final CEQA document. There will be a public review and  
13 comment period for a draft CEQA document. The State Water  
14 Board plans on releasing a draft Water Quality  
Certification  
15 at the same time along with the draft CEQA document.  
16 So the State Water Board has decided the project is not  
17 exempt from CEQA so an exemption does not apply here. The  
18 State Water Board plans on preparing one of three  
documents,  
19 either a negative declaration, a mitigated negative  
20 declaration or an Environmental Impact Report which I will  
21 call an EIR. This meeting will serve as a CEQA scoping  
22 meeting. If the State Water Board determines an AIR is  
23 needed but I know that as Susan mentioned if an EIR is  
24 needed we can certainly have an additional scoping meeting

25 for Manton for that community there.

If

1 Again, as part of the comments requested, as part of this  
2 meeting and part of this notice, the State Water Board is  
3 seeking input on a type of CEQA document to be prepared.

4 you recommend preparation of an EIR please provide an  
5 explanation of the significant effects that you think may  
6 occur.

7 At a minimum, the environmental document will evaluate the  
8 environmental resources listed on this slide as required by  
9 CEQA. If the State Water Board prepares an EIR the EIR  
10 would also have to address gross-inducing impacts,  
11 cumulative impacts and significant unavoidable impacts if  
12 there are any.

13 MR. MOORE: Michelle, real quick. Sean More  
14 Director of Planning, we talked to the applicant and we  
15 looked at the scope of this project. We have completed the  
16 initial study. Have you guys started the initial study?

17 MS. LOBO: No we have not.

18 MR. MOORE: The checklist to determine  
19 information?

20 MS. LOBO: No we have not.

21 MR. MOORE: We, you know internally staff, we  
22 were thinking this is more an EIR level and the applicant  
23 knows the County's feelings on that. We think that the  
24 level of this project, without doing an initial study, but  
25 just looking at how large it is, the genti-lines, the right



1 away need for the power lines, the impacts to the mountain  
2 area, potentially land use, recreation, open space; there  
3 are a litany of issues that we have discussed with the  
4 applicant and have a good consult in Tetra Tech. They are  
5 very good, well, statewide. So we have talked about  
6 potential EIR levels so I just wanted to put that in the  
7 comments because that is something we had talked already to  
8 them about.

9 MS. LOBO: Thank you.

10 Will you be submitting this in comment?

11 MR. MOORE: Yes.

12 MS. LOBO: Yes.

13 MR. MARKS: Rob Marks, I wanted to ask, who  
could  
14 ever answer this question, the way these power lines are  
run  
15 through Manton on easements owned by the County. They were  
16 given to PG&E, the gas and electric company.

17 MR. GARDNER: They are not subleased.

18 MR. MARKS: They are not subleased, so that is  
19 county property?

20 MR. GARDNER: Not subleased to PG&E and that is  
21 it, that is the only right of way.

22 MR. MARKS: So is PG&E here tonight since this  
23 project is running on PG&E easements?

24 MR. GARDNER: We don't know that yet.



25

MR. MARKS: Well that is what I am asking the

1 developer I guess. How did you come up running the  
2 powerlines through Manton on PG&E easements?

3 MR. KUFFNER: So we have been in communication  
4 with PG&E about you know, having an easement across the  
5 property so that is how the PG&E issue came through.

6 MR. MARKS: So I would like that part of the  
7 record right now, I think PG&E should have a representative  
8 here.

9 MR. MOORE: Michelle, I want to add some more  
10 comments, Sean Moore, Director of Planning Tehama County.  
11 So just so we are clear, potential impacts, biological,  
12 there terrestrial. I mean I saw some from the FERC folks so  
13 initial is some potential impacts. I have not looked at the  
14 study you guys are comparing and we have not commented yet  
15 but I am already thinking already at a higher level of CEQA  
16 analysis.

17 MS. LOBO: And that is what we want, we want  
18 input from everyone to get an idea.

19 MR. FOSTER: Can you click back to that slide  
20 with the -- that one there. Bill Foster. A lot of those  
21 resource issues or similar resource issues in FERC's  
22 you scoping, I will be providing written comments to both of  
23 but it will be much the same comments so you are going to  
24 get a joint letter (laughs) because it is easier for me to

25 do it that way. Including what my ideas about what type of

1 environmental document you should have and my  
justifications

2 for that.

3 MS. LOBO: Okay, thank you. Yes, no that is  
4 really helpful.

5 MR. GARDEN:: Dennis Garden, District 3, now on  
6 that list there is nothing that speaks to economics.

7 MR. MOORE: Yes, Sean Moore Director of  
Planning.

8 In our general plan we do have an economic element; it is  
9 recreation, I forgot to mention that.

10 MS. LOBO: Okay, recreation; general plan.

11 MR. MOORE: So it is in there, and I know NEPA  
12 has an economic section, so it is in our general plan, it  
is  
13 online.

14 MS. LOBO: I might need to check back with you  
on  
15 the general plan and make the connection.

16 MR. MOORE: Okay.

17 MS. LOBO: Okay, okay. Thank you. So this is on  
18 here and a copy of this presentation is also back there if  
19 you did not get it. I would like everyone to get this so  
20 you can get my information to contact me. So we are  
21 accepting written comments until Friday December 5, 2014  
and  
22 again, we are especially looking for comments about the  
type

23 of CEQA document to prepare and impacts.

24 MS. MONHEIT: Susan Monheit, State Water Board.

25 We are accepting comments until December 5, 2014 at 2 p.m.

1 Pacific Standard time in deference to FERC's deadline that  
2 ends at 5 p.m. Eastern Standard Time. So if you are  
3 submitting comments at the last minute please note the time  
4 on that.

5 MR. MARKS: Well there will be a draft, won't  
6 there?

7 MS. LOBO: Oh, for the document? Yes, this is  
8 just to give me comments. No this is, yeah, we have not  
9 prepared a draft yet. No. So we are very early. I mean

we

10 have not prepared anything for the draft yet. So this is  
11 very early in the process.

12 MR. GARDEN:: So there will be a subsequent  
13 meeting before we can make any additional comments on your  
14 draft.

15 MS. MONHEIT: Or that may be by writing, do you  
16 plan on writing on the draft.

17 MS. LOBO: Well, I mean, the document will be  
18 publicly released.

19 MS. MONHEIT: The document will be released and  
20 you will be able to use this opportunity for comment.

21 MR. MOORE: So if it is a mitigated neg DAC or  
22 neg DAC, it is 30 days. So if it is draft EIR we have 45  
23 days that we can comment during. There are two different  
24 levels of comment times.

25 MS. LOBO: Yes.



1 MS. MONHEIT: At least.

2 MS. LOBO: Let's see. Okay. So again, this  
3 presentation is at the back of the room. This presentation  
4 is also posted to the Lassen Lodge Hydroelectric Project  
5 webpage at the State Water Board's website. The State  
6 Board staff will work with a consultant to develop the  
7 CEQA document based on existing information and the  
8 collected. There will be a public comment period on that  
9 draft CEQA document.

Water

draft

comments

10 So, additional information is available on the  
11 State Water Board's webpage for that Lassen Lodge Hydraulic  
12 Project and we also have a way for you to sign up to

receive

13 email updates so again, this information is in the  
14 presentation at the back of the room that you should have  
15 but I will go through it here so to receive email updates  
16 related to the project and the Water Quality Certification  
17 Program you can go to the web page noted on the slide,  
18 select State Water Resources Control Board and enter your  
19 name, email address. Under the categories on the same

page,

20 you select Water Rights and next you select the box for  
21 Water Rights, Water Quality Certification and that is the  
22 last box. Then click the subscribe button at the top and  
23 again, you can always contact me about that. Again, the



24 comment period ends on Friday, December 5, 2014 at 2 p.m.

25 Any more comments, questions?

1                   MR. ANTONE: Gary Antone, Tehama County Public  
2 Works. It strikes me that there really should be, from the  
3 applicants through the current process and both of the  
4 resource agencies and the Department of CEQA and NEPA and  
5 the actions that are taking place, there should be a  
6 presentation brought to the boards since this is the county  
7 in which all of this is going to concur. So some  
8 presentation to the Board of Supervisors would certainly  
9 open up a true avenue of public comment and public review  
10 through the county.

11                   AUDIENCE: Through the County, yes.

12                   MR. FOSTER: This is Bill Foster, National  
Marine  
13 Fishery Service. I would like to suggest that right now  
the  
14 FERC has requested information to add to the existing  
15 application so as information is still being gathered and  
16 developed and assimilated and put together to make that  
17 package more complete and we, our comment letter in June of  
18 2014 we felt that application was not sufficient for a  
19 variety of reasons that are outlined in the document. But  
20 the point I am getting at is that eventually, there will  
21 come a time in the FERC process where everybody gets to put  
22 in their terms and conditions, how they feel they want the  
23 operation of the project, mitigations for it, that sort of  
24 thing. At that point when FERC issues that notice that we

25 are ready for environmental analysis, there are 60 days for

1 everybody to kind of come up with what they feel they want  
2 to say.

3 That information is then taken by FERC and they  
4 consider the applicant's information, they consider it on  
5 their own information, they come up with their own set  
6 essentially in terms and conditions of the project. At

that

7 point, it might be good to have a meeting outlining perhaps  
8 what everybody's conditions are, if people want to see what  
9 other people have or something like that. Or else,  
10 everybody can read it when it gets posted to FERC. You  
11 know, you can read everybody's terms and conditions and  
12 stuff like that.

13 The CEQA document and the 401 document  
14 certification comes after that part of the process where  
15 you can start developing and figuring out what you kind of want  
16 to do in that direction, but you will not really have all  
17 the information until everybody puts in their terms and  
18 conditions to consider. So that is the point I wanted to  
19 make is that down the road here, there will be not only  
20 plenty of opportunity to comment but there may be  
21 opportunity to discuss everybody else's ideas, formulations  
22 and positions and how they think they might want to be.  
23 There might be an opportunity to help describe and share  
24 that.

25  
Wildlife

MR. MARKS: So you guys rely on Fish and

1 and agencies for your approval or disapproval. You guys  
2 make the ultimate decision federally.

3 MR. HANSEN: Federally, yes.

4 MR. MARKS: Correct. But you do consider all of  
5 the other agencies?

6 MR. HANSEN: Yes, sir. Not only do we consider  
7 all and give greater deference to expert agencies that know  
8 about the area, there are a number of conditions that are  
9 submitted to the FERC. Under federal law, we have to  
10 include. We have no choice.

11 MR. MARKS: Right.

12 MR. HANSEN: She had talked about the 401 Water  
13 certificate for example so that is the chance where the  
14 state says we need to protect these waters and obviously we  
15 are local, we know these better than FERC, here is what is  
16 going into the license whether FERC likes it or not. We  
put  
17 it in the license unless it could cause us to violate some  
18 other federal law and in that case we would have some other  
19 discussion on how to fix that. But there are local  
resource  
20 agencies, both on the state and federal level that have a  
21 lot of areas where they can attach their condition to a  
FERC  
22 license.

23 MR. MARKS: Okay. It's just one of those  
24 situations where I have more trust, you know, dealing with

25 some of these agencies in the past, than in the Federal

1 Government. (Laughs) I hate to say that.

2 Even the State Government, so.

3 MR. HANSEN: As being federal employees based  
out

4 of DC we find it very important to have --

5 MR. MARKS: You have to have a role.

6 MR. HANSEN: Yes, we need state guidance, we  
need

7 local guidance on this and that is one of the greater  
values

8 of scoping and the entire process. We realize that we do

9 not understand local issues anywhere near as anyone here.

10 So that is why we like to you to be part of this process,  
we

11 cannot do anything without it frankly.

12 MR. MOORE: I have a question, what is the State  
13 Water Board in terms of, I know we have not done the  
initial

14 study, but what are we thinking in terms of levels. I  
mean,

15 not relying on the County, what are you thinking on here

16 now? So you are the lead agency, not Tehama County so what

17 are you thinking for the level for review for CEQA. I

18 forgot to ask that question of the FERC's folks but I know

19 they are doing environmental assessment which is somewhat  
of

20 an initial study, so what are you guys thinking?

21 MS. LOBO: We have not decided. We have not  
done



22 an initial study and we are still waiting on more  
23 information from the applicant as well. So yeah, I do not  
24 know honestly. (laughs).

25 MS. MONHEIT: Susan Monheit, State Water Board,

1 and that is why one of the functions of this meeting is to  
2 seek input from agencies and stakeholders on what documents  
3 they think should be prepared and that will help inform our  
4 decision.

5 MR. MOORE: I understand that, but I mean you  
6 guys are the lead agency. By now, surely you have formed  
7 some kind of analysis on what level specific environmental  
8 reviews are required. I mean, I do it every day.

9 MS. LOBO: No we have not yet. We haven't. Are  
10 there any more comments? Okay.

11 MR. MARKS: There is one thing I wanted to ask  
12 you. Is the actual, your response that ready for  
13 environmental analysis terms and conditions is not  
14 necessarily your CEQA document nor your 401 certification,  
15 although it may consider some of those issues and things  
16 like that. Ultimately in the FERC process you come up with  
17 the mandatory terms and conditions that are in your 401  
18 water quality certification that like you said goes on to  
19 what FERC has determined. The only other mandatory  
20 condition is any particular biological opinion that is done  
21 if there are threatened, endangered species involved.

22 MS. LOBO: Right, and that would be your agency.

23 MR. FOSTER: Right.

24 MS. LOBO: Ok, ok.

25 MR. MARKS: Well that might also be discovered

in



out 1 the CEQA document bio-people going up there and checking  
2 what is up there.

3 MR. HANSEN: I mean if, are you suggesting that  
4 during the preparation of the CEQA document they might  
5 discover the presence of additional species.

6 MR. MARKS: Well, Fish and Wildlife has.

and 7 MR. HANSEN: Well if that would be the case, the  
8 FERC would have to reinitiate consultation with the Fish  
9 Wildlife service or NMFS depending on what kind of animal  
it 10 is before we can do anything. If something else were to  
11 up, the FERC cannot move forward until we have consulted  
12 under the Endangered Species Act with those agencies.

13 MR. MARKS: Well, the whole point is to have a  
14 study. Find out what is going on before anybody makes a  
15 yes or no answer on that.

16 MS. LOBO: Any more comments? Well for me I do  
17 want to make sure I get everyone's information tonight.  
18 Thank you.

19 MR. BEECO: Yes, so that is it for FERC as well.  
20 Anything anybody wants help for anything identifying with  
21 the e-library and stuff like that we will be hanging around  
22 here for the next 30 minutes or so. Come by, ask  
questions,  
23 chat with us whatever you might need.

24                    We have a copy of repeat application here in the  
25    back of the room if anybody wants to look at it for things

1 they could not find before, we have that out for everybody  
2 to look at.

3 MS. MONHEIT: I hope that all participants have  
4 found the sign in sheets.

5 Okay, good. Again, we apologize for any  
6 misguided mail deliveries.

7 MR. MARKS: One last question, is his transcript  
8 available?

9 MR. HANSEN: Yes, it will be. It usually takes  
a  
10 couple of weeks and then we post it on the E-Library FERC  
11 site, it will be available for everyone to read so yes it  
12 will.

13 MR. MARKS: Is that a tape?

14 MR. HANSEN: no sir, it will be a written  
15 document.

16 AUDIENCE: Transcript.

17 MR. BEECO: Transcript. Yes. So if you are  
18 interested in getting that immediately you can speak with  
19 the court reporter but otherwise like Ryan mentioned it  
20 would be posted on E-Library in the coming weeks.

21 MS. MONHEIT: I think State Water Board will  
22 probably post a transcript on the Lassen Lodge webpage as  
23 well. It might be easier to navigate.

24 MR. FOSTER: I subscribe to so many projects,  
25 whenever anything happens, it gets filed or gets posted, it



1 shows up in my inbox.

2 (Whereupon, at 9 p.m., the scoping meeting  
3 concluded.)

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