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UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION
Office of Energy Projects

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Eagle Crest Energy Company : Docket No. P-13123-002
- - - - - x

EAGLE MOUNTAIN PUMPED STORAGE
HYDROELECTRIC PROJECT
Public Scoping Meeting

University of California
at Riverside
Palm Desert Graduate Center
75-080 Frank Sinatra Drive
Palm Desert, CA 92211
Thursday, February 3, 2011

The public hearing, pursuant to notice, convened at
1:00 p.m. before a Staff Panel:

KENNETH HOGAN, Project Coordinator, FERC
JOE HASSELL, Environmental Engineer, FERC

1 STAFF CONSULTANTS/PRESENTERS

2 JOHN HART, Project Coordinator & Hydrologist,

3 Louis Berger Group

4 TYLER RYCHENER, Terrestrial Scientist & GIS,

5 Louis Berger Group

6 ALISON McDOUGAL, Cultural Resources Specialist,

7 Louis Berger Group

8 GLEN LEVERICH, Geologist and Groundwater Hydrologist,

9 Stillwater Sciences

10 JEFFREY G. HARVEY, Ph.D., Principal & Senior Scientist

11 Harvey Consulting Group, LLC

12 ATTENDEES AND PUBLIC COMMENTERS

13 (in order of introduction)

14 JANE CATTERSON, Investor, MRC

15 DON CATTERSON, Private Investor

16 KANDARP PATEL, Attendee/Observer

17 GARY SITLER-KIEWIT, Contractor

18 JIM LINDELL, MWH, Engineer

19 ELIZABETH MEYERHOFF, Local Environmental Planner

20 SIMON BLUESTONE, Geologist, MWH

21 PAT BEECH, Attendee/Observer

22 TOM SLEMMER, Attendee/Observer

23 PAUL MURPHEY, Geologist, State Water Resources Control Board

24 E. B. JENSEN, Attendee/Observer

25 RON GILBERT, Attendee/Observer

1 ATTENDEES AND PUBLIC COMMENTERS (CONT'D.)
2 RICHARD SHATZ, Hydrogeologist, GEI Consultants
3 DOUG DIVINE, CEO, Eagle Crest Energy
4 STEVE LOWE, President, Eagle Crest Energy
5 GINGER GILLIN, Project Manager for Environmental Permitting,
6 GEI Consultants and Eagle Crest Energy
7 ALICE KARL, Biological Consultant, Eagle Crest Energy
8 SETH SHTIER, National Parks Conservation Association
9 BILL KEESE, Advisor to Eagle Crest Energy
10 DOUG McPHERSON, U.S. Bureau of Reclamation
11 FELICIA SIRCHIA, Fish & Wildlife Service
12 HOLLY ROBERTS, Bureau of Land Management
13 AMANDA BECK, Attendee/Observer
14 ALLISON SHAFFER, Bureau of Land Management
15 WAYNE DYOK, Tetra Tech, Consultant to Eagle Crest Energy
16 TERRY COOK, Kaiser/Eagle Mountain and Mine Reclamation
17 KURT MORTENSON, Attendee/Observer
18 LARRY CHARPIED, Attendee/Observer/Landowner
19 DONNA CHARPIED, Attendee/Observer/Landowner
20 K. KAUFMAN, Reporter, The Desert Sun

21

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1 PALM DESERT, CA - THURSDAY, FEBRUARY 3, 2011 - 1:00 P.M.

2 --oOo--

3 MR. HOGAN: Afternoon, I guess. Feels like
4 morning.

5 I'm Ken Hogan. I'm with Federal Energy Regulatory
6 Commission. We're here to discuss our draft environmental
7 impact statement for the Eagle Mountain Pumped Storage
8 Hydroelectric Project.

9 I think this is the most prompt group I've ever
10 seen. Usually we're starting at quarter after 1:00, or 15
11 minutes late. So I want to thank everybody for that.

12 I wanted to do a couple of housekeeping -- or --
13 yeah, housekeeping a little bit. Bathrooms are around the
14 corner here to the left. We do have a court reporter here
15 today. I've instructed him that if he has any questions
16 about what somebody's saying, he can interrupt the meeting
17 and say, Hey, slow down, or repeat that. Please respect
18 that. Please speak clearly so that we can capture it for the
19 record. He has various microphones throughout the room. If
20 you don't have a microphone in front of you, we will be
21 passing this microphone around. I do ask that everybody at
22 least use one of the mics in the room. Before we speak,
23 should state your name each time. Shortly, we'll go around
24 the room and do introductions and affiliations.

25 With that, Ken Hogan, I'm a fishery biologist in

1 training. I'm a project coordinator for FERC for this
2 project. I'll go around.

3 MR. LEVERICH: Glen Leverich, contractor for FERC,
4 through Louis Berger.

5 (Pause; battery changed on wireless microphone.)

6 MR. LEVERICH: I'll speak up. Glen Leverich with
7 Stillwater Sciences. We're a contractor through Louis
8 Berger, who's a contractor to FERC. Help prepare -- a
9 geologist prepared the geology and groundwater resources
10 sections of the draft EIS.

11 MR. HASSELL: Joe Hassell. I'm an Environmental
12 Engineer on the FERC staff.

13 MS. CATTERSON: Jane Catterson, investor with MRC.

14 MR. CATTERSON: Don Catterson, private investor.

15 MR. PATEL: Kandarp Patel. I'm here for the
16 information.

17 MR. SITLER-KIEWIT: Gary Sitler-Kiewit, contractor.

18 MR. LINDELL: Jim Lindell, MWH, engineer.

19 MS. MEYERHOFF: Elizabeth Meyerhoff, local
20 environmental planner.

21 MR. BLUESTONE: Simon Bluestone with MWH. I'm a
22 geologist.

23 MR. BEECH: Pat Beech. I'm just here to watch.

24 MR. SLEMMER: Tom Slemmer. I'm an observer.

25 MR. MURPHEY: Paul Murphey, geologist, State Water

1 Resources Control Board.

2 MR. JENSEN: E. B. Jensen, observer.

3 MR. GILBERT: Ron Gilbert, observer.

4 MR. SHATZ: Richard Shatz, hydrogeologist, GEI
5 Consultants.

6 MR. DIVINE: Doug Divine, CEO, Eagle Crest Energy.

7 MR. LOWE: Steve Lowe, President, Eagle Crest
8 Energy.

9 MS. GILLIN: Ginger Gillin. I'm the project
10 manager for the environmental permitting for GEI Consultants
11 and Eagle Crest Energy.

12 MR. HARVEY: Jeff Harvey, Project Director for
13 Eagle Crest Energy.

14 MS. KARL: Alice Karl, biological consultant to
15 Eagle Crest Energy.

16 MS. SHTIER: Seth Shtier, National Parks
17 Conservation Association.

18 MR. KEESE: Bill Keese, advisor to Eagle Crest
19 Energy.

20 MR. MCPHERSON: Doug McPherson. U.S. Bureau of
21 Reclamation.

22 MS. SIRCHIA: Felicia Sirchia, Fish & Wildlife
23 Service.

24 MS. ROBERTS: Holly Roberts, Bureau of Land
25 Management.

1 MS. BECK: Amanda Beck. I'm an observer.

2 MS. SHAFFER: Allison Shaffer, Bureau of Land
3 Management.

4 MR. DYOK: Wayne Dyok, Tetra Tech, consultant to
5 Eagle Crest Energy.

6 MR. HOGAN: In the plaid up here, we have John Hart
7 with Louis Berger. He's my counterpart for my contracting
8 team.

9 Also, we still have some arrivals. He's running
10 the other way. Name and affiliation?

11 MR. COOK: I'm Terry Cook with Kaiser/Eagle
12 Mountain, and with Mine Reclamation.

13 MR. MORTENSON: Kurt Mortenson, observer.

14 MR. HOGAN: Question?

15 MS. KAUFMAN: No, just wanted to introduce myself.
16 I'm K. Kaufman. I'm a reporter with the Desert Sun.

17 MS. McDOUGAL: Alison McDougal. I'm with Louis
18 Berger.

19 MR. RYCHENER: Tyler Rychener, Louis Berger.

20 MR. HOGAN: So as I'm assuming all of you know, we
21 issued a draft environmental impact statement on December
22 23rd, convenient for the holidays and your review. With
23 that, we had a 60-day comment period. That comment period
24 closes on February 28th. I look forward to all kinds of
25 good, thoughtful written comments from the group.

1 Today we are here to discuss any concerns or issues
2 with the draft EIS that -- you know, maybe we got something
3 wrong, and it needs to be corrected. We want to hear that
4 quality input.

5 So with that, I would like to give Eagle Crest
6 Energy an opportunity to present what their project is. Then
7 we'll follow up with the FERC staff recommendation, and show
8 how our recommended project deviates from the proposal. Then
9 we'll start our discussion with the group.

10 MR. HARVEY: Good afternoon. I'm Jeff Harvey,
11 Project Director for Eagle Crest Energy. A brief
12 presentation just to have everybody understand what the
13 project is, why it's being proposed, and a few details about
14 it. We are not overlapping with FERC's role here today and
15 their presentation or discussion of issues that they've
16 analyzed or their preferred alternatives, except to make a
17 brief note.

18 Next. Oh, perfect. So just our brief agenda, the
19 need for energy storage, what the project is, and what FERC's
20 preferred alternative is. Pumped storage is an old
21 technology, and a pretty simple scheme, in this case, using
22 two mining pits as reservoirs connected by an underground
23 tunnel system, that tunnel system including a powerhouse
24 underground, and reversible turbines, in this case, four
25 reversible turbines, 325 megawatts each, for a total of 1300

1 megawatts of generating capacity.

2 The lower reservoir is filled with water. That
3 water then pumped up to the upper reservoir, where it is held
4 in storage until the energy is needed, and then dropped back
5 down to produce hydroelectric energy with that water
6 returning to the lower reservoir. So once the water -- the
7 initial fill on the lower reservoir, water is a working fluid
8 back and forth between the two.

9 I said 1300 megawatts of energy storage capability.
10 This is what we call a brown field development, meaning that
11 it's developed inside of a previously industrially developed
12 site, in this case, Kaiser Iron Mine. We have, therefore, no
13 aquatic habitat, no fisheries, no aquatic recreational users.
14 Very unusual for a hydroelectric project to not have those
15 kinds of sensitivities.

16 The project is also located very close to major
17 transmission corridor for Southern California, along the
18 I-10 -- I'll take you to the maps in just a moment -- and is
19 in a region where there is significant wind development and
20 significant proposed solar development. And as we'll
21 explain, this project is fundamentally about integrating
22 those renewable energy projects in the transmission system so
23 that they can operate reliably, and the transmission system
24 can operate reliably.

25 I think all of you know the location. Here's the I-10

1 corridor, Indio and Palm Springs, and we're about right
2 there. I-10 is Desert Center, and about ten miles north of
3 I-10, Eagle Mountain Mine. The yellow area here is the
4 Joshua Tree National Park. Here's where the mine site is,
5 and that is the site of the two pits that'll make the upper
6 and lower reservoirs. This shows yellow -- transmission
7 is -- this is the yellow transmission line coming out. You
8 all know this is the Arizona/California border, Colorado
9 River.

10 More specifically, for the site itself, again, in
11 this case, the purple is the national park boundary. White
12 lands are private. Yellow are Bureau of Land Management.
13 This shows the lower reservoir and the upper reservoir, or
14 central pit and eastern pit, as the mine refers to them, and
15 a well field that will be developed for three wells for the
16 initial fill of water to the lower reservoir. One well, two
17 wells, three wells. All of this, of course, is underground
18 shown on the map. It brings water up into the lower
19 reservoir for that initial fill, and then the pumps work it
20 back and forth. So no water line beyond that.

21 Transmission out from the underground powerhouse.
22 Our initial proposal -- and you'll see this is changed with
23 the FERC preferred alternative -- in discussions with
24 Southern California Edison and the Cal ISO some three and a
25 half years ago when we started, they indicated that they

1 preferred to have a substation on the north side of the I-10,
2 where they thought the Palo Verde Devers 2 corridor would be
3 selected. That has changed now. But our initial proposal
4 was to bring a double-circuit 500 KV line from the mine site
5 out across Metropolitan Water District's aqueduct and related
6 works here, and right down collocated with Eagle Mountain
7 Road. That was the intent with this alignment. We were then
8 going to come straight down to just north of the I-10.
9 Bureau of Land Management asked us to avoid this area for
10 sensitive cultural resources related to Patton's use of these
11 lands in World War II. So we took this turn and came in just
12 north of Desert Center for that corridor.

13 This being the I-10, this is Highway 177, to orient
14 you a bit. The old county airport -- actually, the old World
15 War II, subsequently the county, now racetrack/airport in
16 this area.

17 Just an aerial view of the upper reservoir site,
18 the mine pit that would be developed as the upper reservoir.
19 This is the lower reservoir or eastern mine pit. You can see
20 here the mine pit. The staircase pattern down is the pit
21 itself. These are the tailings features. Then we'll see a
22 little bit more of the town site that is here.

23 Again, the lower reservoir pit looking west, so you
24 can see the size of that pit, the tailings features, and then
25 the old Kaiser Mine -- community -- pardon me -- the -- the

1 mine community. So you get an idea of the magnitude of that
2 mining operation and the brown field development, as we've
3 described it.

4 This is -- again, looking west, this is Highway
5 177. This is the old county airport that's now been
6 converted into a racetrack. Agricultural lands that were
7 farmed primarily during the mid '70s into about the mid '80s,
8 some still active, but many that have become inactive. The
9 transmission corridor is right here and into the Eagle
10 Mountain Mine site in the distance. So this is where our
11 water pipeline also goes parallel to this existing Southern
12 California Edison transmission corridor.

13 What is the need for this project? California
14 energy demand, by all predictions, is on the rise over the
15 next 20 to 30 years, foreseeable future. And at the same
16 time, we're losing power plants in the state, both because
17 they're old and need to be either repowered or retired. Some
18 coastal powerplants will be retired rather than go to
19 alternative cooling systems, as their once through cooling
20 systems now are no longer available to them.

21 The other main driver for this project is that
22 California has adopted renewable energy mandates, and has
23 declared that we should have 33 percent of our energy come
24 from renewable energy sources by 2020. The original goal was
25 20 percent by 2010. We made it to about 11- percent -- fell

1 far short. So it's quite a race now to get these projects
2 improved and in place in time to achieve this objective, and
3 these objectives are driven by the desire to reduce our
4 dependence on imported energy sources and to reduce
5 generation of greenhouse gasses. So a whole related set of
6 policies.

7 Renewable energy, it's great, and we are big
8 supporters of wind, solar, geothermal. Those are the
9 principal renewable sources that we'll develop in California.
10 They are not always matched to demand, and they are what are
11 called -- especially wind and solar -- are called
12 intermittent energy sources, meaning that they aren't always
13 available on demand. The California ISO tells us that 70
14 percent of wind, on average, is generated at night, which is
15 off from peak demand periods. Solar isn't necessarily
16 matched to peak demand periods on a daily basis. But in any
17 case, two days out of seven, which weekend days are also off-
18 peak, solar power is being generated.

19 I mean, this statement is really the bottom line:
20 We can't make the sun shine or the wind blow. These are
21 intermittent resources, and in order to have one third of all
22 of our generation come from those intermittent resources, we
23 have to have backup generation, and we have to have storage
24 of energy to be able to regulate the transmission system.

25 That's what this project can do. It stores off

1 peak energy, including renewable generation, if it's
2 available, and then makes that energy available to be
3 generated on demand whenever it is needed, and up to 1300
4 megawatts -- in our case, 1300 megawatts for as much as 18
5 hours. That's what we describe as utility scale. This is a
6 very large-scale project. It is the only proven technology
7 of its kind for storing energy at this level. There are
8 battery technologies. There are flywheel technologies that
9 are emerging. But there's nothing that is proven and is a
10 known technology for this level of utility scale storage.

11 The benefits to the transmission grid, they're a
12 little bit complicated, but not that difficult to understand.
13 Obviously, we have just the capacity to generate that much
14 power and add to California's power needs. We can do that
15 whenever the power is needed, which is peaking power
16 generation. Then for operating the transmission grid and
17 offsetting some of the intermittency of wind and solar, these
18 are called ancillary services, which include voltage
19 regulation, spinning reserve, and black start voltage
20 regulation. It's just that we have a constant 60 megahertz
21 of electricity that we maintain the transmission grid at.
22 When you have wind pulsing or cloud cover causing solar to
23 pulse, you add extra energy to the system to level that out.
24 Or if you have too much load in the system, you take some
25 energy off. Our project can ramp up and down to do either

1 one of those for regulating the transmission grid. This is
2 considered to be a critical feature by the utilities and
3 transmission grid operators.

4 Just to give you an idea of what wind looks like,
5 this, again, is from the California ISO, the Independent
6 System Operator that's responsible for operating the
7 transmission grid in California. This shows one of the best
8 wind locations in California, in one of the best wind months,
9 and 30 days of wind generation. You see what happens here at
10 night. Some days are great. Other days are completely up
11 and down. Some days there is no wind. So this is why you
12 need to have backup if you're going to have this much -- up
13 to a third of your energy coming in part from wind sources.

14 Same thing for solar. It's a great energy source.
15 The California desert is an ideal place to take advantage of
16 solar power. What solar power does is, at nighttime, it's
17 down. The sun comes up, and the power ramps up. It stays
18 high all day. The sun starts to go down in the afternoon,
19 and the power ramps down. The actual peak demand for power
20 is off of that, that generation source. So you have to have
21 other power sources available to meet that peak demand
22 outside of what solar generation occurs.

23 This is again from the California ISO. A little
24 bit complicated, but explains what they show as the
25 challenges for trying to integrate wind and trying to

1 integrate solar, and where you have these big gaps, that
2 you're going to need to have other sources of power that are
3 instantly available to you, and that can be ramped up or
4 down.

5 Just to conclude this, and to assure you that this
6 is not just our story, this is what the Department of Energy,
7 the California Energy Commission, the California Public
8 Utilities Commission, the California Independent System
9 Operator, all of these energy agencies have identified that
10 storage is a critical part of our energy future and our
11 energy generation mix going forward, and particularly with
12 this integration of renewable energy sources.

13 FERC's preferred alternative -- I'm going to leave
14 it to Ken and his team to describe this. The two main
15 features, as far as we are concerned, in the preferred
16 alternative is the transmission alignment that collocates
17 transmission, instead of coming down Eagle Mountain Road or
18 Kaiser Road, has transmission following an existing
19 transmission line, the SCE 161 line that I showed you in one
20 of the pictures, and coming out north of Desert Center, north
21 of Lake Tamarisk, and then turning south to cross the I-10 to
22 the Red Bluff Substation that is now called for south of the
23 I-10 by Southern California Edison and the ISO. They're
24 working closely with BLM and Fish & Wildlife Service to
25 finalize the location of that substation.

1 The other aspect of the FERC preferred alternative,
2 from our perspective, is that it calls for a very
3 comprehensive monitoring and management program for
4 groundwater and water quality. All I'm going to say about
5 this -- I'll let FERC talk about the details -- but we have
6 reviewed that, and we do accept those mitigation require-
7 ments. We think that it all makes sense, and we agree with
8 FERC about their reasoning in selecting their preferred
9 transmission alignment.

10 Just as review, this is our original transmission
11 line that we considered. There's a -- two substation alter-
12 natives for Red Bluff Substation. One was here. We did look
13 at coming down to interconnect to that with some sensitive
14 cultural resources in this area. We also looked at coming
15 down Kaiser Road after coming out of the project, and then
16 down Kaiser Road, and then parallel to the I-10, and down.
17 That comes right in front of the Lake Tamarisk community and
18 the desert wildlife management area that is here. FERC
19 looked at coming along this existing transmission line, and
20 then down into the eastern substation alternative, which is
21 much less sensitive for biological resources, as we
22 understand it. The western substation has desert tortoise in
23 evidence, and not at the eastern substation. So this is the
24 preferred transmission alignment in the FERC EIS.

25 With that, thank you very much. Ken, unless you'd

1 like me to take question?

2 MR. HOGAN: Go ahead. Any questions on the
3 presentation?

4 MR. CHARPIED: Sure. I have a --

5 MR. HOGAN: We're recording the meeting on the
6 record, so we'd like you to state your name, affiliation
7 and --

8 MR. CHARPIED: Sure. My name is Larry Charpied.
9 I'm a jojoba farmer in Desert Center below Eagle Mountain.
10 I'm very concerned. First of all, this isn't renewable if
11 the solar isn't going, for whatever reason, or the wind ain't
12 goin', so they're gonna get it from the coal-fired or oil-
13 fired, wherever, to get the energy to pump the water up. So
14 this isn't renewable. This is just taking what's left over
15 and trying to store a little of it.

16 The second question I have, or statement is, how in
17 God's name, after three plus years of pumping three billion
18 more gallons of water out of the aquifer there's going to be
19 more water than when you started? I mean, this is insanity
20 to even state that. So I'm very concerned about the water
21 consumption. I'm very concerned about the idea of renewable.
22 And, you know, for sure, the reality of building a hydro
23 plant is a good concept if you put it where there's a river
24 or some kind of thing where, you know, you can not use up the
25 water. But you can't go into the middle of the desert, where

1 we're already mining our ancient water, and somehow say it's
2 not going to have an impact.

3 We can go into details, you know, the Hayfield,
4 there's no in-flow. The Cadiz, it's so far down, you're not
5 going to draw water from 50 miles away to supply this. These
6 concepts are just amazing that it's gotten this far with the
7 intelligence that's supposed to be here.

8 But anyhow...

9 MR. HOGAN: Thank you.

10 We're going to hold comments regarding the project
11 until a little bit later. But does anybody have questions
12 about the presentation that we just heard?

13 MS. SHTIER: Hi. Seth Shtier, National Parks
14 Conservation Association.

15 We're also concerned about the impact of this
16 project on Joshua Tree National Park. I just had a quick
17 question regarding the project. Is this a net energy gain,
18 or net energy loss, or somewhere in between? And the second
19 question is, what are some of the assumptions behind the
20 aquifer recharge rate?

21 MR. HARVEY: Do you want me to address some of
22 those?

23 MR. HOGAN: Well, the first one. Do we want to
24 respond to the second one?

25 MR. HARVEY: Let me respond to a couple things,

1 then, and then we'll see how far you want to go. First of
2 all, the project has not been described as a renewable energy
3 project. We have never claimed that it was a renewable
4 energy project. It is not described that way in the FERC
5 EIS. It is not described that way in the State Water
6 Resources Control Board environmental impact report. It is
7 described as a project that is useful and necessary to
8 support the integration of a high percentage of renewable
9 energy, and still maintain reliable transmission grid
10 operations. That might be where the source of confusion is.

11 Our project is definitely linked operationally in
12 the grid to renewable sources, but it is not a renewable
13 energy project.

14 MR. CHARPIED: That's where the confusion comes in,
15 that it's not sustainable, if you're going to use the
16 water --

17 MR. HOGAN: We need to use the mic.

18 MR. CHARPIED: Well, he's definitely talking to me,
19 so --

20 MR. HARVEY: Sorry. I was trying to reply to that
21 point. Let me reply to just one other point that was made
22 about whether the project is net gain or loss of energy. In
23 pumped storage, there is more energy used to pump the water
24 up than is generated as the water comes back down. It's
25 about an 80 percent efficiency.

1 MS. SHTIER: And the question about aquifer?

2 MR. HARVEY: That is going to have to fall to FERC.
3 That's their analysis.

4 MR. HOGAN: Glen, did you want to address the
5 aquifer recharge?

6 MR. LEVERICH: Yeah. Let me actually state it one
7 more time.

8 MS. SHTIER: Hi. I had just a brief question
9 about, you know, the amount of water being used for the
10 project. Of course, we're in a desert. I wondered about
11 some of the assumptions behind the rate of aquifer recharge.
12 For instance, you're going to be withdrawing water. What are
13 some of the basic assumptions about the rate of recharge?

14 THE REPORTER: Could you state your name again?

15 MR. LEVERICH: Glen Leverich, subcontractor to
16 FERC.

17 The assumptions are based on best available
18 information that we have to review. There's been a debate of
19 what the recharge rates are. What we've agreed with in our
20 draft EIS is that it's a conservative rate of recharge in the
21 aquifer. Does that answer your question?

22 MS. SHTIER: Kind of. I'm wondering if in your --
23 maybe I can address this in my comments.

24 MR. LEVERICH: Okay.

25 MS. SHTIER: I'll address that later so I don't

1 monopolize --

2 MR. CHARPIED: But you said "conservative
3 estimate." What is the number? How many inches per year?
4 How many --

5 MR. HOGAN: Hold it. Wait, wait.

6 MR. CHARPIED: I thought that was the idea, to ask
7 these questions. He said --

8 MR. HOGAN: Sir, sir, yes. In order to get you on
9 the record, you have to wait for a microphone. So if you
10 want to speak, please raise your hand and wait for the
11 microphone. Okay?

12 MR. CHARPIED: Sorry. Thank you. Again, Larry
13 Charpied.

14 MR. HOGAN: Larry, that doesn't broadcast, but
15 that's okay. That is getting recorded.

16 MR. CHARPIED: Oh, you still got it. Okay.

17 MR. HOGAN: Yup.

18 MR. CHARPIED: Larry Charpied, LaRonna Jojoba,
19 Desert Center.

20 You said that you based your recharge estimates on
21 conservative estimates. So what numbers? How many inches
22 per year are you saying gonna happen consistently? Or where
23 other -- what other sources of recharge are you saying that
24 you have accessible?

25 MR. LEVERICH: The perennial yield estimate for the

1 Chuckwalla Aquifer is about -- that we're going with is about
2 12,000 acre feet per year. Pumping is not supposed to exceed
3 historical rates. Maybe I'll defer to Richard, who did the
4 analysis, to provide some specifics, if you need any more,
5 unless that addresses your question.

6 MR. CHARPIED: I'm sorry. I missed that.

7 MR. LEVERICH: My response -- I'm sorry -- the
8 perennial yield or the natural recharge to the aquifer that
9 we're going with is about on the order of 12,000. It's been
10 estimated anywhere from 6- up to 20,000, and we're going with
11 that.

12 Now, in terms of the draw-down I think is what
13 you're asking; correct?

14 MR. CHARPIED: Well, no, I'm asking recharge
15 (indiscernible; not at microphone) --

16 MR. HOGAN: Please use the microphone.

17 MR. CHARPIED: I'm sorry. Again, Larry.

18 I'm asking recharge. Because if we're talking
19 recharge for the whole Chuckwalla Valley, which is I don't
20 know how many hundred thousand acres -- right? -- the reality
21 is your wells are not going to have access to water 50 miles
22 down. So I want to know what you're talking about recharge
23 in your specific area, and if it's based on rainfall, and
24 then you're assuming that the rainfall is going to be
25 consistent every year.

1 MR. LEVERICH: Maybe I'll defer to Richard to
2 provide those specifics.

3 MR. HOGAN: Yeah, just quickly. Then we're going
4 to have to go back to where our recommendations deviate. But
5 go ahead if you want to quickly address the recharge
6 question.

7 MR. HARVEY: We can have the hydrogeologist that
8 worked on this give more details when we get to that part of
9 the presentation. In short, we have spent years now
10 analyzing groundwater hydrology, recharge, and what the
11 overall effects of our project pumping will do on the
12 regional aquifer and on our local area, and wells surrounding
13 our wells. We have worked with the solar projects, three of
14 the solar projects, the Blythe, Palin and Genesis project.
15 We coordinated with them on their modeling as it related to
16 our uses. We've coordinated with BLM to have their
17 cumulative projects list. And we've modeled not only our
18 project by itself, but our project in relation to all of the
19 other projects that are proposed and could happen in the
20 future as cumulative impacts analysis.

21 The recharge analysis was actually questioned by
22 the Park Service in an early stage in the FERC filings. We
23 did go back and do -- and Richard can give you way more
24 detail than probably we need -- but in a nutshell, we did go
25 back and do an analysis of what all the literature says about

1 recharge. It did actually range from less than 6,000 to up
2 to 30,000 acre feet per year. We then looked at several
3 different methods, hydrogeologic accepted textbook methods of
4 how you would calculate recharge, and came up with a very
5 refined estimate using the whole of the basin. And of course
6 we're modeling what the potential effects are on the whole of
7 the basin. And that's where the estimate of 12,000 -- I
8 believe it's 12,200 to 12,300 acre feet per year comes from,
9 which fits very much in the low middle end of the range of
10 estimates for the basin as a whole.

11 Then we focused on, what were the effects of our
12 pumping locally? Because that's the more dramatic effect.
13 What the pumping effect is going to be on the basin, I agree
14 with you, Larry, you're not going to see it 50 miles out.
15 It's going to be much more localized where our wells are.
16 The biggest effects are in those first three to four years
17 when we're doing the initial fill. Thereafter, those effects
18 get less and less, as we're pumping only for makeup water for
19 evaporation losses.

20 So that's what was modeled. That's what was
21 analyzed. That's what FERC then reviewed, the State Water
22 Resources Control Board hydrogeologists have now reviewed.
23 We developed all of that analysis in consultation with
24 Metropolitan Water District and their hydrogeologists. All
25 of those assumptions and analyses and modeling methods were

1 done with all of those parties looking in and commenting, and
2 then doing their own independent review. That's what FERC
3 now has, their independent review of that that's been used as
4 the basis for their EIS.

5 Is that enough for the details?

6 MR. HOGAN: Yes. Thank you very much.

7 MR. CHARPIED: And you said we'll comment more on
8 this when we get there? You guys just said we'll comment
9 more on the water as we get to there in this program;
10 correct?

11 MR. HOGAN: Yes. We'll have opportunity --

12 MR. CHARPIED: Because I have a lot of issues with
13 what he just said.

14 MR. HOGAN: We will have opportunity for comment.

15 Glen, would you like to present --

16 MR. LEVERICH: Yes.

17 MR. HOGAN: -- how our project -- our recommenda-
18 tions deviate from the Applicant's proposal, please.

19 MR. LEVERICH: Oh, and also, for anyone who joined
20 us a little late, we have a sign-in sheet up here. I'll just
21 pass down some -- if you could just pass these down to the
22 back. Thank you.

23 So we're going to highlight very briefly really the
24 major differences with the Applicant's alternatives. So
25 starting with -- great segue -- into water resources.

1 Simply, we differed in requesting additional monitoring of
2 the reservoirs and the brine ponds and stream channel
3 modifications along Eagle Creek. This is effects -- water
4 resources, water quality, and channel morphology of Eagle
5 Creek.

6 The second bullet, requesting more protection,
7 warning, opportunities and measures to monitor, which was
8 reference to the comprehensive monitoring program, and to
9 rectify possible negative effects of the proposed project
10 that could occur during project operation.

11 MR. RYCHENER: Tyler Rychener. We also made some
12 modifications in terms of the Applicant's proposal to protect
13 terrestrial resources. One of the first, the Applicant had
14 proposed to monitor invasive species in areas that were
15 disturbed by construction. We wanted to expand that to
16 include all areas where there could be water seepage either
17 associated with the ground wells or associated with the
18 reservoirs themselves, and then also include monitoring of
19 the perimeters of the reservoirs, because when you add water
20 to the soils, it creates a potential area where invasive
21 species could colonize.

22 We, as has been discussed, modified the trans-
23 mission line plan. I guess in relation to the avian
24 protection plan, the Applicant had proposed building the line
25 to help reduce potential for electrocutions of raptors. We

1 wanted to expand the scope of that plan to also evaluate
2 potentials for collisions, to include monitoring and
3 reporting of any avian interactions, mortalities, to include
4 a worker training program, and to include monitoring of nests
5 on those structures.

6 In terms of the spadefoot toad, the Applicant has
7 done a number of surveys in areas where their proposed
8 project facilities were going to be located. We simply were
9 asking them to -- in relation to our proposed alternative
10 line, to conduct those surveys in areas that had not already
11 been surveyed prior to construction to ensure that there's no
12 effect to spadefoot toads.

13 There's been a lot of discussion about potential
14 for the ravens and other desert tortoise predators to be
15 subsidized by the water in the landfill, and this could pose
16 predatory risks to desert tortoises. We wanted to expand
17 Applicant's proposed monitoring of the ravens to also include
18 other desert tortoise predators, such as coyotes, gulls,
19 dogs, that sort of thing, and to include baseline surveys for
20 those other animals prior to construction, so we have
21 something to compare back to and mitigate for any increases
22 in those types of predators.

23 Then, as we've discussed a bit, we modified the
24 route of the transmission line to avoid desert tortoise
25 habitat. Our proposed route would be a little bit longer, be

1 largely collocated with the existing 115 kilovolt line, and
2 expect it would have less effect on threatened desert
3 tortoise and habitat.

4 Here's a map of the project area. The FERC
5 proposed route would follow the transmission line down here,
6 and then cut south, and here would be new right-of-way, and
7 tie into the currently proposed location of the Red Bluff
8 Substation to the south of I-10.

9 MS. McDOUGAL: Alison McDougal, Louis Berger.

10 For cultural resources, the Applicant prepared an
11 historic properties management plan in December 2009. The
12 management plan contains a lot of measures to protect or
13 preserve historic properties within the project area of
14 potential effects, in accordance with Section 106 of the
15 National Historic Preservation Act. But there were some
16 things that we felt it needed to include, so we've asked the
17 Applicant to revise that management plan one more time to
18 include several things.

19 One thing we noticed, that the overview and
20 executive summary needed to state that the Eagle Mountain
21 Mine and town site and associated railroad is potentially
22 eligible for the National Register of Historic Places.

23 Secondly, while the Applicant proposed monitoring
24 over the course of any new license term, we would like an
25 annual monitoring report. Additionally, if there were any

1 kind of excavation or data recovery or testing required on
2 any of the cultural resources within the APE, the HPMP needs
3 to include a plan for curation. What are you going to do
4 with the artifacts that are recovered?

5 We also asked for a consultation with Native
6 American tribes in regards to employee training that may need
7 to be undertaken. We need a detailed discussion of the area
8 of potential effects, since that has changed since originally
9 proposed, a more detailed discussion of the archeological
10 resources along the preferred alternative, and a plan and
11 schedule for evaluating properties along that alternative to
12 determine whether or not they're eligible for the National
13 Register, and whether or not they would be affected by the
14 project.

15 Finally, there are new regulations now regarding
16 paleontological resources, which may be located on federal
17 lands. So the HPMP needs to address paleontological
18 resources, as well.

19 MR. HOGAN: To proceed, I'd like to go through the
20 draft EIS -- or go through the resources covered by the draft
21 EIS, and try to address our comments on a resource-by-
22 resource basis. Those resources are geology and soils, water
23 resources, terrestrial resources, threatened and endangered
24 species, recreation land use and aesthetics, cultural
25 resources, socioeconomics, air quality and noise. So as we

1 do each -- hold on -- just a second, Larry. As we do each
2 resource area, I'd like to address -- hear what concerns
3 there are maybe with the draft EIS, things that we haven't
4 considered and need to consider, and so forth.

5 Also, when we hit threatened and endangered
6 species, I note that the Fish & Wildlife Service has earlier
7 this week filed a comment letter with us addressing some
8 deficiencies, and I may want to spend a little extra time to
9 discuss with the Fish & Wildlife Service the additional
10 information needs that they have.

11 So one other thing I'd like to ask is, we sent out
12 special notice to landowners who may be affected by project
13 facilities, and I wanted to see a show of hands of any
14 landowners that may be here today.

15 Okay. I see three. Are any of you wishing to talk
16 today or this evening? Is there a preference?

17 MR. CHARPIED: Today, yes. There's another meeting
18 tonight. I really want to address the idea of the deficiency
19 in the EIS.

20 MR. HOGAN: Larry, could you grab -- just speak
21 into the microphone.

22 MR. CHARPIED: I'm sorry. I really think it's
23 important to look at the EIS, and we look at how repetitive
24 it refers to the Eagle Mountain EIR/EIS, which we have
25 prevailed in court, which is deficient in many ways. Now, if

1 it's important that we go and litigate each one of the issues
2 in the EIR all over again, okay. But to rely on something
3 that's almost 20 years old, to say this is what's happening
4 today, they need to put in monitoring wells at Hayfield.
5 They need to put in monitoring wells all over the place.
6 Then we can determine how much water's there. We can't rely
7 on a 20-year-old EIR that's already been declared deficient
8 by the courts.

9 MR. HOGAN: Thank you, Larry. We will talk about
10 water resources when we reach water resources.

11 MR. CHARPIED: Everything. I'm talking everything,
12 the animals, the whole EIS. Everything -- I'm sorry --
13 everything that they're relying on is all from this old EIS,
14 which has been shot to hell. And I can't believe that these
15 guys have relied on that, and you guys has accepted it as
16 valid, when the courts have just said it's -- over and over
17 again -- it's deficient. Birds, animals, you name it.

18 MR. HOGAN: We'll take a look at that comment to
19 see if need to make revisions in the final EIS.

20 Of those three landowners that are here, we are set
21 up with GIS for today's meeting and this evening's meeting.
22 Are each of you planning to attend this evening's meeting, or
23 do you need to speak today?

24 MS. CHARPIED: Need to speak today. Have another
25 meeting after this.

1 MR. HOGAN: Okay. Before we get into the specific
2 resources, I would like to give the landowners -- the
3 affected landowners an opportunity to address their concerns
4 or comments about the project. If you have questions about
5 how project facilities may affect your particular parcel of
6 land, like I said, we are set up with GIS that we can pull
7 those parcels right up, and show 'em up here.

8 MS. CHARPIED: Thank you. My name's Donna
9 Charpied. I'm the Executive Director for the Citizens for
10 the Chuckwalla Valley. I'm a landowner, and I have
11 personally lived in Eagle Mountain for the last 30 years.
12 I'm a farmer of a true renewable energy crop, jojoba.

13 I'm kind of confused about some things with your
14 assumptions with the water quality, as well as the quantity.
15 Although we have challenged the EIS/EIR for the Eagle
16 Mountain dump project, you guys seem to just take out the
17 things that would support your project, but get lock-lipped
18 on the things that won't. One of the most significant things
19 in that EIS is when they discuss the cumulative effects of
20 the dump project along with the hydroelectric project, and
21 the analysis says that you will exacerbate our aquifer to
22 depletion. So if you're going to use some of that old
23 EIR/EIS for assumptions of this project, you ought to use
24 that particular data also.

25 The aquifer, it's been proven, that it's from water

1 that's 5,000 to 30,000 years old. I know there was a time
2 when the jojoba was going real big, and Kaiser still was
3 mining up there the iron ore at Eagle Mountain, and the water
4 tables really, really dropped drastically at one well. At
5 the bottom of the valley, it dropped 150 feet in five years.
6 Everybody -- a lot of people who are citizens for the
7 Chuckwalla Valley, landowners there had to lower their water
8 well pumps because they started sucking air.

9 It's started to recover a little bit. We've been
10 there for 30 years, and it still hasn't come up to the
11 historic level when we first drilled our water well 30 years
12 ago. So it just defies logic that you're going to pump eight
13 billion gallons of water from this -- for this project over
14 a period of anywhere from two to four years, and expect that
15 there isn't going to be any adverse impacts to the people in
16 this valley, who depend upon this water, especially the local
17 folks, the farmers. You know, it's just really incredible to
18 me.

19 It actually reminds me of a story a long time ago
20 when Bill Ruckleshaus was the chief of the Environmental
21 Protection Agency. He was addressing an audience of the CWC.
22 What he was saying is that a risk assessment is a lot like a
23 captured spy. If you torture it enough, it'll say anything.
24 And I'm afraid that's what this EIS is doing with the water
25 quality, the impacts to cultural resources, the impacts to

1 the species. It's just torturing these things until you get
2 the numbers that you like. And it's just really foolhardy to
3 do that.

4 I do have some questions, though. When we were
5 talking about the cultural aspects and other things, you were
6 saying that the Applicants have made these determinations.
7 I was working under the assumption that the Applicant still
8 hasn't even gained access to that site because it's Kaiser's
9 property, they have it fenced off, and haven't allowed them.
10 So these are some pretty big assumptions that are being made.
11 And all of these things need to be documented, and there need
12 to be surveys before you even give your license. It just
13 blows me away, and our organization, that this FERC staff has
14 already recommended approval of this, when there are so many
15 unanswered questions.

16 I'll save the rest for written comments, because I
17 know time is of the essence. I really do appreciate the time
18 to speak with you. You really need to rethink your
19 recommendation, and just refuse this project. It's insane.

20 MR. HOGAN: Thank you. Larry, did you have
21 comments that you'd like to add?

22 MR. CHARPIED: Larry. You know, Donna pretty much
23 covered everything. I really think it's very important,
24 before we go and spend these billions of dollars on a non-
25 sustainable project, that we look at the alternatives,

1 because suckin' the water out of our valley is non-
2 sustainable.

3 MR. HOGAN: Thank you.

4 Terry, did you want to speak today or tonight?

5 MR. COOK: Tonight.

6 MR. HOGAN: Thank you.

7 All right. With that, I'd like to go on and hear
8 if others have specific comments regarding the resource areas
9 covered by the draft EIS, or concerns. Like I said, I'd like
10 to go resource-by-resource. If you'd like to make a state-
11 ment, just please raise your hand, and we'll bring the mic
12 over to you.

13 For geology and soils, anybody have concerns or
14 questions about our analysis or our recommendations there?

15 MR. CHARPIED: I do. In this process with the
16 dump, we went through DTSC, Department of Toxic Substance
17 Control, and we did an analysis up there at the Eagle
18 Mountain site. At the conclusion of this, the DTSC said, as
19 long as this place stays the way it is, it poses no threat to
20 the environment or humanity.

21 Now, once we start digging and moving and adding
22 water, we're looking at acid runoff, we're looking at all the
23 nitrates, all the different chemicals that were used up
24 there. We're looking at the possibility of these now
25 becoming part of our aquifer. And I need to know the

1 protection, not theory, that it's not there, because we know
2 it's there after the 40 years of mining.

3 MS. CHARPIED: I apologize. When I was giving my
4 comments, I neglected one of my notes that I had written, and
5 it's about the cultural resources, if you don't mind. You
6 should be in really strict consultation with the Chemhuevi
7 Indians and the Colorado River Indian tribes. You probably
8 are following all the solar things, but the tribes have been
9 suing because of lack of consultation with them. There was
10 just an awesome ruling the other day at the Ninth Circuit
11 that stopped this national transmission line, the NIETC -- I
12 might have the acronym wrong, but I know you all know what
13 I'm talking about.

14 And the consultation has to go further. It
15 shouldn't just be a group of staff people who decides when
16 you find some cultural relic that belongs to the Native
17 Americans, to ask them what they want done with it. Maybe
18 they deserve to have those back. There's a long, rich
19 history in the Chuckwalla Valley with the Native Americans.
20 And I was really remiss not to say that earlier. Thank you.

21 MR. HOGAN: Any other comments on geology and
22 soils?

23 (No responses.)

24 MR. HOGAN: Water resources?

25 MS. SHTIER: Hello. I'm Seth Shtier with the

1 National Parks Conservation Association. We're a 325,000-
2 member membership-based organization whose mission is to
3 protect and enhance America's national parks for present and
4 future generations.

5 I'd like to begin my comments by addressing the
6 quote from Steven Shu (sic) that was up here saying that
7 pumped storage is an essential part of any sort of energy
8 future for the United States. That certainly may be true,
9 but I'd like to point out that he doesn't talk about location
10 of pumped storage. In my organization's perspective, this is
11 a questionable location. We're very concerned about the
12 impacts to Joshua Tree National Park.

13 Some of the assumptions that are being made, I
14 believe, with groundwater recharge are maybe in fact
15 erroneous. I think in looking at this, it's important to
16 talk about the project and its impact on groundwater in the
17 context of what is happening more largely in the region.

18 For example, we've got a number of projects that
19 are slated for development or proposals, which include the
20 Eagle Mountain Landfill, the Desert Sunlight Solar Farm, the
21 Riverside East SEZ. So that will be an over 200,000-acre
22 site that will be dedicated to renewable energy development
23 and will use substantial amounts of water.

24 Finally, Shavers Valley, the proposal for a 40,000-
25 person city just east of the project area.

1 So I think in reviewing this, you know, we're on
2 the cusp of Joshua Tree's 75th birthday. I think birthdays
3 are a really great time for both celebration and reflection.
4 I hope that the Energy Commission really reflects on whether
5 this is not only the right project, but the right place for
6 this project.

7 Thank you.

8 MR. HOGAN: Can I ask you a question?

9 MS. SHTIER: Yes.

10 MR. HOGAN: Can you just give me a little bit more
11 detail about this 40,000-person city that's being --

12 MS. SHTIER: Shavers Valley.

13 MR. HOGAN: Shaver or Shaffer?

14 MS. SHTIER: Shavers. It's a proposal for a city
15 down just south of the park. It hasn't been obtained. It
16 hasn't been given permission to do that. But it has been on
17 the tables for some time now.

18 MR. HOGAN: Thank you.

19 MS. SHTIER: And doubtless it would certainly draw
20 down water resources.

21 MR. HOGAN: Larry?

22 MR. CHARPIED: I hate to be redundant, but I will
23 be. When you put in your wells -- when we talk about the
24 dump, and they talked about monitoring wells, they talked
25 about a three or four-foot capture zone every thousand feet.

1 So we are concerned about that.

2 Now you're telling me you're going to put in
3 extraction wells. What is their capture zone? You're not
4 getting any water from Hayfield. There's no proof here
5 you're getting any water from Hayfield. The Cadiz Inlet is
6 miles down from where your wells are, so they're not -- water
7 doesn't run uphill. It's not going to run to these wells so
8 that you have access. It's going to continue away. The
9 reality is there isn't going to be the water for this. Why
10 anybody would continue to perpetuate that somehow in a 27-
11 mile-long valley, if you're at the top of it, you're going to
12 be able to access water at the bottom. And if you're not
13 going to access water at the bottom, then you have to limit
14 yourself to the water that's there. And the only water
15 that's there comes from rain.

16 In my 30 years of living there, there have been
17 four and five years in a row with no rain. But the access --
18 the depletion will continue. So that will have a much
19 greater impact than based upon the fact that we hope it's
20 going to rain every year out in the desert, because we know
21 it doesn't.

22 MR. HOGAN: Thank you.

23 MS. SHTIER: Can I make one other comment? Thank
24 you. I'd like to make one other comment related to water
25 resources, and that is that there's the work of a scientist

1 named Noah Diffenbaugh, who's a climate change scientist.
2 He's done research about climate change hot spots. We're
3 actually standing in what is known as climate change hot
4 spots. He terms this climate change hot spots not because
5 only of the increase in temperature that will occur in the
6 future, but he talks about increasing variability of
7 precipitation. I think in any sort of report that's going to
8 estimate or project into the future on what groundwater
9 recharge is, there has to be a very serious, careful
10 consideration to what our future will be in terms of climate
11 change and in light of what we know about climate change.

12 Thank you.

13 MR. HOGAN: Any other comments regarding water
14 resources and groundwater?

15 (No responses.)

16 MR. HOGAN: Okay. Terrestrial resources, aside
17 from threatened/endangered species, because I'd like to do
18 threatened/endangered separately.

19 MR. CHARPIED: I'm sorry. I missed that.

20 MR. HOGAN: I'd like to discuss terrestrial
21 resources -- plants, animals -- that are not federally listed
22 as threatened and/or endangered in our analysis.

23 (No responses.)

24 MR. HOGAN: Nope? Larry?

25 MR. CHARPIED: In my 30 years living there, I've

1 seen every kind of creature you can imagine, every kind of
2 snake, the horny toads, the lizards, the chuckwallas -- you
3 name it, all these things. The reality is, when you are
4 going to add a massive source -- coyotes, all these guys,
5 ravens -- when you add this massive source of water, unless
6 you're going to cover it, you're going to have all these
7 people going there -- animals, reptiles, all these guys going
8 there. So there's either going to be a big boom of these, or
9 there's going to be a big boom of the predators that eat
10 those. The reality is the balance will be offset.

11 We've got a national park that we're supposed to be
12 protecting in perpetuity. You know, it's supposed to try to
13 stay the same, so when your kids or your grandkids get the
14 opportunity to go there, it's what we saw. It's not going to
15 be this big massive lake with this huge infestation of all
16 these animals, because they never could sustain themselves
17 without this water. You're going to put this whole place out
18 of balance.

19 We're hoping that -- or you're hoping, I guess --
20 that this is going to last, what, how many years? What's the
21 life span of this?

22 MR. HOGAN: The federal license issued by FERC is
23 30 to 50-year terms.

24 MR. CHARPIED: Man, I can't imagine what it's going
25 to look like when you guys are done.

1 MS. SHTIER: Seth Shtier, National Parks
2 Conservation Association.

3 Well, regarding the water impoundments, I hope
4 folks are -- you know, I'm a die-hard bird nerd or bird-
5 watcher, and so I hope folks are considering sea gulls as
6 well as ravens as being potential predators. But my comment
7 is really addressed directly towards big horn sheep in the
8 area. The draft EIS states that big horn ewes utilize this
9 area during the spring, summer, fall and winter, or areas
10 nearby. I'm concerned also about the pump turbine that will
11 run 12 hours of pumping each weekday night to fully recharge
12 the upper reservoir with additional pumping. Likely that'll
13 generate a lot of noise, which may scare the big horn sheep,
14 basically.

15 Thank you.

16 MR. HARVEY: Just very briefly, on that last point,
17 the pump turbines are located approximately 1500 feet
18 underground, and there will be no noise at the surface
19 related to the pump turbines.

20 MR. HOGAN: Thank you.

21 MR. CHARPIED: Can I say something on that? Again,
22 30 years. The MWD Eagle Mountain pump plant is three, three
23 and a half miles, kind of the same distance almost as the
24 Eagle Mountain proposed site. When it's quiet, I can hear
25 the alarms go off. In the middle of the day, I can hear the

1 weee-ahhh (ph), of these massive, massive pumps, turbines
2 you're going to put in. I mean, these things create -- not
3 only do they create this noise, but they create the vibration
4 that causes all these little critters to say, hey, what's up
5 man? Let's get outa here. And it's not going to be quiet.

6 MR. HOGAN: Any other comments on our analysis on
7 terrestrial resources?

8 (No responses.)

9 MR. HOGAN: Okay. Threatened/endangered species.
10 As I mentioned earlier, we got a comment letter from Fish &
11 Wildlife Service regarding some deficiencies. If I could,
12 I'd like to go through those with you.

13 MR. CHARPIED: Is there a way to get a copy of that
14 letter?

15 MR. HOGAN: Yes. It is in our e-library. You can
16 download it online. If you -- are you familiar with the FERC
17 website at all?

18 MS. CHARPIED: I can help him.

19 MR. HOGAN: Okay. So it was filed January 31st,
20 Monday or Tuesday of this week. So it's readily available.
21 You can download it and view the letter.

22 MS. SIRCHIA: Ken, can I clarify something first?

23 MR. HOGAN: Yes.

24 MS. SIRCHIA: Do I need to turn this on?

25 THE REPORTER: No. But would you state your name?

1 MS. SIRCHIA: My name is Felicia Sirchia from the
2 Fish & Wildlife Service.

3 I just want to clarify that this letter is in
4 response to an initiation request from FERC. It is not a
5 comment letter on the draft EIS. I believe our agency is
6 going to coordinate with our sister DOI -- Department of
7 Interior -- agencies and provide a comment letter on the
8 draft EIS. So these comments are basically what the Fish &
9 Wildlife Service needs to initiate consultation with FERC and
10 conduct our analysis of project impacts on threatened and
11 endangered species under Section 7 of the Endangered Species
12 Act.

13 MR. HOGAN: I understand that, and I didn't mean to
14 construe that incorrectly. FERC typically uses its
15 environmental documents, either an EA or an EIS, as a
16 biological assessment. So where we have some comments here
17 now, I'm looking forward to trying to get a head start on
18 addressing these, and either doing that very shortly, or if
19 need be, in the final EIS. So I'm hoping we can respond to
20 these information needs prior to the FEIS, though, to
21 initiate formal consultation.

22 MS. SIRCHIA: Okay. And I also want to say that I
23 am not the lead biologist on this project. So I'll do the
24 best I can to answer any questions. I'm assuming it's just
25 going to be process and how you get us the information. So

1 if I can't answer your question specifically, you probably
2 need to follow up with the lead biologist.

3 MR. HOGAN: And I'm not trying to throw you under
4 a bus here, but just some clarifications of maybe what you
5 were looking for.

6 MS. SIRCHIA: I'll do my best.

7 MR. HOGAN: The third bullet of some of the
8 information that you're looking for is you're requesting that
9 we quantify the number of desert tortoise that may be
10 affected based on the Service's pre-project survey protocol
11 for the central project area. Then you ask that we provide
12 additional support for the assumption that the area's not
13 currently supportive of desert tortoise.

14 As you're aware, the project area is not accessible
15 to Eagle Crest Energy to conduct surveys. We have recom-
16 mended in the draft EIS that surveys be conducted prior to
17 any construction. Is that not acceptable to the Service?
18 I mean, how do we surmount that hurdle?

19 MS. SIRCHIA: Typically, we need to know
20 approximate numbers of animals in the area so we can conduct
21 a thorough effects analysis, so we can provide you an
22 accurate take assessment for your project, and we can conduct
23 our analysis appropriately. It's difficult for us to assume
24 either an area is occupied or unoccupied. It's difficult for
25 us to conduct our analysis based on that assumption. So we

1 need more specific information.

2 Again, you'll probably have to follow up with Jodi
3 on this, but I think we're going to need a more logicked,
4 reasoned approach for why you're assuming the area is not
5 occupied simply because it has not been mined for the past 25
6 years. So animals, you know, their behavior is very
7 unpredictable, obviously, so that's why we rely on project
8 surveys.

9 MR. HOGAN: Our recommendation is to require pre-
10 construction surveys. So I'm wondering, is there a way to,
11 process-wise, potentially delay the take statement until
12 those surveys are conducted, but still issue a biological
13 opinion requiring the surveys be conducted, and then evaluate
14 the incidental take.

15 MS. SIRCHIA: Not to my knowledge. We cannot delay
16 a take statement. That's provided in the biological opinion
17 based on the best scientific and commercial data. So if you
18 want to assess impacts in that area, we're going to need --
19 I think Jodi just needs better data that says tortoises
20 cannot occur there for this, this and this reason.
21 Otherwise, we can't just assume that it's not occupied. We
22 need more information about the area. If you can do that,
23 you know, based on aerial photography, or based on some other
24 published research, or something that gives us a better
25 approach for us to feel good about it not being occupied, or

1 just so we can justify that in the document. We can't just
2 say it's not occupied based on the fact that it was a mine 25
3 years ago, or based on that it's a mining site.

4 Does that make sense? It's difficult for us to --

5 MR. HOGAN: Yeah, I think I --

6 MS. SIRCHIA: -- support that.

7 MR. HOGAN: -- understand what you're looking for,
8 and that's what I wanted to get a feel for. So I appreciate
9 that.

10 MR. CHARPIED: Can I ask a question? You describe
11 the project area as the mine site. What about the
12 transmission lines and the pipeline? That's the project area
13 too. There's tortoises all through that valley. Once you
14 put up those new transmission lines, it's like giving the
15 ravens a perch. They don't even have to go look for 'em
16 anymore. They can just sit there and wait.

17 So the project area is the whole thing, not just --

18 MR. HOGAN: Understood.

19 Tyler, did you have any other specific questions
20 regarding the comments? No? I guess that was our biggest
21 concern.

22 I think we'll be able to provide you with a
23 response and try and reinitiate consultation prior to the
24 FEIS.

25 MS. SIRCHIA: You don't actually need to

1 reinitiate. You just need to provide us with the
2 information. Then we can say, yes, we have enough
3 information for us to initiate consultation. So you just
4 send us a letter giving us -- addressing all of these
5 information needs, and then we'll go ahead and send a
6 response saying, yes, we have all the information we need.
7 We can initiate consultation on this project.

8 MR. HOGAN: Thank you.

9 Does anybody else have any questions or comments
10 about threatened/endangered species in our analysis?

11 (No responses.)

12 MR. HOGAN: This is a really quiet room.

13 MR. CHARPIED: I'll say something if you'd like.

14 (Laughter.)

15 MR. HOGAN: Recreation, land use and aesthetics.
16 Are there concerns with our recommendations there?
17 Particularly, one thing that comes to mind is our recommended
18 transmission line route for aesthetics. Any concerns that we
19 should be aware of?

20 MR. CHARPIED: And this is from other people in the
21 valley that own land that you're going to go through.
22 They're concerned that the FERC will take their right-of-way
23 or their land over eminent domain. Is this a legitimate
24 concern on those people's parts?

25 MR. HOGAN: It is a legitimate concern, yes.

1 MS. CHARPIED: Unbelievable. That statement is
2 truly unbelievable, that not only will you use up our water,
3 destroy all the cultural resources, all the natural resources
4 our community offers, you have the audacity to say that you
5 will take private land for this, what is such a boondoggle.
6 It is just unbelievable to me. And you know, for once in my
7 life, I have to say this about Mr. Cook. The enemy of my
8 enemy is my friend. This project will go down.

9 MR. HOGAN: A final decision on the project has not
10 been decided by the Commission, and will not be decided for
11 some time. We have to issue the final EIS first. If --
12 if -- the project is approved by the Commission, and a
13 license is issued, the license carries with it federal
14 eminent domain authority. So that's all -- I mean, that's in
15 the Federal Power Act, granted authority by Congress.

16 MS. CHARPIED: I really don't like to say this, but
17 I have to because of the discussion that just happened.
18 There's a lot of my friends who call the FERC the Darth Vader
19 of all of the federal agencies. After hearing what you just
20 said, that's unfair to Darth.

21 MR. HOGAN: Again, I want to --

22 MR. CHARPIED: That should be very public. I think
23 the people in our valley need to know that, if they get their
24 license, they could take their land. They need to know that.
25 Somehow, put it in a piece of paper. I don't know. You get

1 all kinds of things in the mail from these guys.

2 MR. HOGAN: Yeah. Eminent domain does not mean
3 your land is just taken. Typically the way the eminent
4 domain process works -- and I'm not an attorney, I'm a
5 fishery biologist, working in the desert -- so -- but
6 typically with eminent domain authority, what happens is the
7 licensee is required by the federal license, FERC's license,
8 if granted, to obtain all necessary rights to the property to
9 operate the project. That does not mean that they have to
10 buy the property. It does not mean that they have to -- or
11 that they're just going to assume the property. That will
12 not happen.

13 What it does mean is that they have to either
14 negotiate a lease, an easement, or a purchase for that
15 property. If the property owners are not willing to sell
16 their property or come to some type of negotiated agreement,
17 then that can be settled in the courts, where either state or
18 federal court will determine the fair market value for that
19 property, and the eminent domain authority is then invoked,
20 and the Applicant will purchase the property for the price
21 that the courts set. That's how I understand it. But
22 typically it doesn't go that far. Typically it's negotiated
23 long before that. I'm sure you guys have all looked into
24 this.

25 MR. HARVEY: Much clearer explanation.

1 MR. HOGAN: Does that --

2 MS. CHARPIED: Does that make me feel better?

3 MR. HOGAN: No. But does it give you a better
4 understanding of --

5 MS. CHARPIED: Well, I understand eminent domain,
6 sir.

7 MR. CHARPIED: Just like we saw the people take the
8 house over here in La Quinta so that they could put in a
9 hamburger joint, you know, because it was more important to
10 the city to have a hamburger joint than to let that person
11 continue to live there. I've already seen letters, comments
12 to you guys where people are saying they're not going to
13 sell.

14 This is Larry again. I've already seen comments to
15 you guys where people are not going to sell their land. So
16 you're putting us in a precarious position, where you say we
17 have to, and you say, oh, we gotta take your water for a
18 private corporation, private, for-profit corporation, with no
19 guarantee this is ever going to work.

20 MS. SHTIER: Hello. Seth Shtier, National Parks
21 Conservation Association.

22 I just wanted to acknowledge what this gentleman
23 said about the pump being deep underground. Certainly that's
24 an excellent point. But I would like to point out that,
25 certainly during the construction phase of this, and noise

1 and light pollution could certainly impact big horn sheep
2 population. So I would just like to go on the record as
3 saying that.

4 Thank you.

5 MR. HOGAN: Do we have any other questions
6 regarding -- or concerns regarding our analysis for
7 recreation, land use or aesthetics?

8 MS. CHARPIED: I like to recreate in the park,
9 thank you.

10 MR. HOGAN: Cultural resources. Do we have any
11 questions or comments regarding our analysis for cultural
12 resources?

13 MR. CHARPIED: You know, I do want to make a
14 statement. In the environmental impact report, EIS/EIR for
15 the dump, they talked about dinosaur bones and other Indian
16 artifacts that they found up at the project site. What ever
17 happened to these things?

18 MS. McDOUGAL: Well, the Historic Properties
19 Management Plan addresses both archeological remains that are
20 associated with living peoples -- living or past peoples, and
21 it also, like I mentioned, they're going to be required to
22 address paleontological resources, which would be other kinds
23 of fossil remains and things like that. So the HPMP will
24 cover those things.

25 MR. CHARPIED: So -- again, Larry -- so if in fact,

1 because they can't get access to the site, and the license is
2 given, so then now they can gain access to the site, and they
3 find, wow, there's a shitload of stuff up here that we can't
4 do this, isn't this, then, kind of all crazy until we can get
5 access to the site to determine if they can do it, instead
6 of, let's go ahead and give a license, and then hope we can
7 do it?

8 MS. McDOUGAL: Do you want me to address that?

9 (No responses.)

10 MS. CHARPIED: I just have one quick question.
11 Will the public have access to the HPMP?

12 MS. McDOUGAL: No.

13 MS. CHARPIED: So then our question -- we just have
14 to blindly trust whatever you say with the -- who -- who gets
15 to see the HPMP?

16 MS. McDOUGAL: The HPMP is considered privileged
17 and confidential because of the threat to vandalizing
18 documented sites. It's the -- well, the State Historic --

19 MR. CHARPIED: The biggest threat to vandalizing
20 these sites is this project.

21 MS. McDOUGAL: -- the State Historic Preservation
22 Office or the agencies who have a need to know, and I believe
23 private property owners, if there are resources on their
24 lands, then they can -- you know, those kinds of things can
25 be disclosed. But generally, it's those kinds of --

1 locational information is kept confidential.

2 MS. CHARPIED: So we just have to trust you.

3 MR. CHARPIED: I just want to say -- again,
4 Larry --

5 MR. HOGAN: Help me understand. When you say
6 "locational information," is the entire HPMP confidential?

7 MS. McDOUGAL: Yeah.

8 MR. HOGAN: Okay.

9 MR. CHARPIED: People like the indigenous folks in
10 the Colorado River Valley, who believe they own these
11 artifacts, are they being privy to this, or are they being
12 excluded from this?

13 MS. McDOUGAL: Section 106 of the National Historic
14 Preservation Act requires the Applicant to consult with the
15 participating tribes. The participating tribes are anybody
16 that comes forward and wants to talk about the resources that
17 are out there. So that area for consultation with tribes is
18 there.

19 MR. CHARPIED: And so is that area going to be
20 public, that part where you consult with the tribes and say,
21 hey, we found this. Do you guys think it's important? Do
22 you guys want to protect this? Because I know already the
23 river tribes have MOUs with the BLM on certain areas to where
24 they're going to take responsibility for protecting 'em. So
25 I'm interested. Is that going to happen if we find this

1 stuff up there, too, or is this going to be held secret?

2 MS. McDOUGAL: I'm not sure --

3 MR. CHARPIED: Well, you told me that the document
4 is not going to be made public. So I want to know if the
5 people who have a vested interest are part of this, so that
6 they can, you know, know where their resources are.

7 MR. CHARPIED: Larry, is it your recommendation
8 that the people who have a vested interest in this would be
9 informed?

10 MR. CHARPIED: Absolutely, and I can give you
11 names.

12 MR. HOGAN: We'll take your names, and appreciate
13 the comment.

14 Any other concerns with our analysis for cultural
15 resources, please.

16 (No responses.)

17 MR. HOGAN: Okay. Socioeconomics.

18 MR. CHARPIED: Okay. I've been in the Chuckwalla
19 Valley for 30 years. I grow jojoba, a substitute for sperm
20 whale. The government considers it a strategic, critical
21 agricultural material, renewable energy source. I'm
22 concerned that if my water table goes down below my well,
23 then I'm shit out of luck, because I can't drill a new well.
24 Talk with these guys. They've even said, yes, we're going to
25 come up with an agreement to protect you. Yet nothing has

1 happened. So I'm hoping that you guys will force these guys
2 to make sure that us people that own the land and have water
3 wells are protected if in fact the water does start to
4 deplete.

5 MS. CHARPIED: I would like to take that one step
6 further. If there is some kind of mitigation that says
7 something to that effect, what Larry just said, it shouldn't
8 be written -- it takes us down a little rosy path that says,
9 oh, no, the dove (ph) did that, the solar people did that,
10 this did that, and we all end up in courts for the next 20
11 years. It should be, if my water table goes below my water
12 pump, these guys gotta drill us a new well. And not only me
13 on our farm, but other farms in the community. We all depend
14 on the water.

15 MR. HARVEY: Just a quick response on that point.
16 We did propose in our application and in our application to
17 the state the type of measure that Larry and Donna just
18 described. I'll give you more of the details. Both the
19 state environmental impact report and the FERC EIS have
20 incorporated that measure as a proposed condition of
21 approval. What it says is that there will be monitoring of
22 any wells that people are concerned about before we start our
23 pumping so that we can detect whether it's our pumping that
24 makes the changes in wells. And that if there are changes in
25 those well levels, that either affect your ability to pump,

1 or that change your water level by more than five feet, that
2 we will remedy that situation.

3 In the case of just dropping the water level five
4 feet, but you're still able to pump just fine, compensation
5 for the additional pumping cost. In the case of an
6 indication that your water level is being drawn down in a way
7 that would affect your ability to pump, we would either
8 deepen your existing well -- some wells can be deepened, and
9 in some cases the pump can be placed at a deeper level -- and
10 if that cannot be done, then we would drill a replacement
11 well at a deeper level to keep all of the local well users
12 whole. That's for all wells -- well, when I described
13 earlier about our hydrogeologic investigations, that we
14 looked at the aquifer as a whole, but our potential for real
15 effects is much more localized from where we're going to be
16 pumping and from land users and well owners in that
17 surrounding area, out as much as four or five miles.

18 So, yes, we do have that measure built into both
19 processes in detail as a condition of approval.

20 MR. CHARPIED: And again, I want to reiterate what
21 Donna just said, is that it's very cool that you're going to
22 put this in the documents. I think it's very important that
23 you address the landowners that have wells, and put this
24 little piece of paper saying exactly what you just said, and
25 we'll take care of it. Because if not, it's going to go into

1 court because either the solar people used it up, or -- you
2 know, if you guys are going to step up to the line, it's time
3 to step up to the line and deal with us as individuals, and
4 not hide behind this facade of the government's going to take
5 care of it for us.

6 MS. CHARPIED: I have to ask you a question, too.
7 As you are well aware of, Mr. Lowe's father back in the '90s
8 asked, and we granted permission, for him to drill three
9 monitoring wells on our property. They were doing some
10 hydrological testing. That's a whole 'nother story. Maybe
11 about two years ago, Richard came out and monitored that, and
12 clearly we are worried about this. Why isn't there like a
13 quarterly monitoring, like to keep getting a real good
14 baseline of what's happening out there? We heard from you
15 guys once, and that was about it.

16 MR. HARVEY: We aren't hiding behind this process.
17 We're fully engaged in this process. This process is the way
18 that all of these conditions get put in writing and made
19 conditions of getting permits and licenses and water quality
20 certification. We will be happy to work with individual well
21 owners, both for monitoring and for the kind of agreement,
22 Larry, that you said you wanted to have in writing on an
23 individual basis. What we have proposed to the agencies is
24 a matter of record. What the agencies have put out in their
25 documents is a matter of record. We're happy to sign a

1 statement that says we live by those conditions, and intend
2 to fulfill that with individuals on an individual basis.

3 As to monitoring, the time just hasn't been ripe to
4 do that, because we're still in the process of even getting
5 the permit. And we do have the data that you described, and
6 other data that the solar projects have collected as more
7 current data ongoing. But, yes, as the time gets ripe, we
8 would expect to be out well in advance of construction. We
9 have two years of engineering design that we would be out
10 doing that monitoring before any pumping was to commence.

11 MS. CHARPIED: I'd like to take that another step
12 further. As you well know, our farm is about two miles, as
13 the raven flies, downhill from your project. The water
14 quantity (sic) is also a very, very important -- did I say
15 "quantity"? -- I meant to say "quality" -- excuse me -- is
16 another very important issue to us. What would be really
17 cool if you guys would do, to monitor if there's any leakage,
18 instead of having these -- the wells the way you're speaking
19 of, do horizontal monitoring wells like they do in the oil
20 field, because they're really serious about capturing the oil
21 that goes through, instead of these phony things where it has
22 990 feet of zone that isn't capturable. So it could just go
23 right by. These things are all really, really important.

24 MR. HARVEY: I don't know if you want me to address
25 water quality at this point. That's, I know, a separate

1 topic.

2 MS. CHARPIED: It's all socioeconomic. You poison
3 me, I'm gone.

4 MR. HOGAN: We have provisions in our recommenda-
5 tions in the draft EIS for monitoring water quality issues.
6 If you feel that those provisions are inadequate or
7 inappropriate, we'd like to hear that.

8 MR. CHARPIED: Well, exactly. What you're talking
9 about in your monitoring system is drilling the vertical
10 wells, and each one of those wells has a capture zone, just
11 like they're talking about with the water. The capture zone
12 is limited. The reality, depending upon the size of your
13 pump, could be three feet around that well is what you're
14 going to be monitoring. The other 970 feet between that well
15 and the other well is unmonitored.

16 So what Donna is suggesting is that you do the
17 horizontal wells. You go in and then you go across that 900
18 feet and then come up. Then you have that whole area
19 monitored. It's a very common practice, like she said, in
20 the oil fields. It's not like we're making this stuff up.
21 The reason we brought this up is we are concerned about the
22 leakage from a garbage dump. Right? So it's the same idea,
23 except these guys really aren't going to have a containment
24 system. So there's going to be a lot of leakage. There's a
25 lot of nitrates. There's a lot of chemicals in that place

1 over the 40 years. So if we're going to be serious about
2 monitoring it, they need to be the horizontal -- I mean, the
3 vertical -- no, the horizontal. The vertical ones, they just
4 don't do it.

5 MS. CATTERSON: My name is Jane Catterson. I am
6 just listening to Larry's comments, curious if the wells do
7 show reduction in their level of water. Let's just say you
8 don't exercise your eminent domain at that time rather than
9 drill deeper.

10 MR. HOGAN: Well, just like the Federal Power Act
11 does provide for eminent domain, it also states in FPA
12 Section 10(c), 16 USC 803, that licensee of a hydropower
13 project shall be liable for all damages occasioned to
14 property of others by the construction, maintenance or
15 operation of project works.

16 MS. CATTERSON: But you can still exercise eminent
17 domain; no?

18 THE REPORTER: I'm not sure I picked up the
19 question.

20 MR. HOGAN: The question was, but you can still
21 exercise eminent domain. Again, I'm not an attorney, but,
22 you know, both authorities are being provided by -- or
23 requirements are being provided by the same act, the Federal
24 Power Act. So I don't see how eminent domain would apply
25 here, where the Federal Power Act is clearly stating that

1 licenses of a hydropower project authorized by the
2 Commission are liable for damages, property damages.

3 MR. CHARPIED: My comment to that is, whoopie. So
4 I gotta go to court and make them comply with the FERC's
5 rules; right? No, we don't want to have that process happen.
6 We want them to resolve it before it ever gets to there. I
7 don't want to have to rely on forcing the government to
8 enforce its rules.

9 MR. HOGAN: I understood that, Larry.

10 MR. CHARPIED: Thank you.

11 MR. HOGAN: Any other comments on socioeconomic?

12 (No responses.)

13 MR. HOGAN: Okay. How about air quality and noise?

14 MR. CHARPIED: Again, being a jojoba farmer for 30
15 years, jojoba's a wind-pollinated plant. I'm concerned about
16 any clearing of any desert shrubbery, because that's how we
17 keep the PM-10 down. If we don't keep it down, then my
18 plants get falsely pollinated, and then I just get no seed,
19 no oil. So I'm very concerned about the right-of-ways, the
20 clearing, the miles where you're going to put in that, the
21 miles of the pipeline and the clear-off. I'm very concerned
22 how that's going to be taken care of as far as the PM-10 in
23 the valley.

24 MR. HOGAN: Do you have recommendations for
25 treatment?

1 MR. CHARPIED: The "no project" alternative.

2 (Laughter.)

3 MR. HOGAN: Okay. Any other comments regarding air
4 quality and noise?

5 MS. CHARPIED: Regarding the air quality -- and I'm
6 certainly no spokesman for the National Park Service, but I
7 do follow their work pretty closely. They do have an air
8 monitoring station over there by the Pinto Well, which isn't
9 far from your project site. They monitored the levels for
10 two years. I think -- don't hold me to these numbers, but
11 out of one year -- and it was only because the standards had
12 changed -- there were like two days where that area was out
13 of compliance. Where we are, we boast the cleanest air in
14 Riverside County, conversely to western Riverside County,
15 where we're heading from here, has the fourth worst air
16 quality in the world, just after Djakarta, India.

17 It is insane to even remotely ruin the air quality
18 of this area. Because you know what? Clean areas like ours
19 are really hard to find in Southern California anymore. We
20 need to protect those with a vengeance. It's just really --
21 I know they're going to create a lot of dust.

22 I'm concerned over the construction. Where are all
23 these people going to stay? Are they going to be camping out
24 on the land? Are they going to be coming in hundreds of
25 vehicles every day? Are they going to, like the prison in

1 Blythe, they pick up a bunch of people here in a van and they
2 carpool? These kind of measures need to be put in there to
3 ensure that the air quality just doesn't get so out of hand.
4 And it's going to get out of hand if you put this project in.
5 There's just no question about it.

6 MR. HOGAN: So you'd recommend that workers be
7 carpooled to and from the site for construction. And what
8 are some of the other recommendations?

9 MS. CHARPIED: Well, the carpooling to the site
10 would be a really good thing. And like where are these
11 people going to live? Are they just going to camp out like
12 Dr. Garfield's people did when they were building the canal?
13 I mean, there's no housing in Desert Center. So it's going
14 to be very interesting to see how the impacts from your
15 project of -- I don't know how many people will be building
16 that, with the impacts from all of these solar projects in
17 the Chuckwalla Valley. There could -- you know, our yearly
18 year-round population is about 150 to 200 people. That is
19 really basically all this little rural community can accept
20 right now. There's just not the infrastructure there for
21 your solid waste, for anything. It's just going to inundate
22 this community. You need to put the cumulative spin on this
23 with all of these other projects, all saying they're going to
24 be happening at the same time. It's just insane. And
25 there's only one road in Desert Center.

1 MR. HOGAN: Okay. That's a good comment. Thank
2 you.

3 Any other comments regarding air quality or noise
4 in our analysis?

5 MR. CHARPIED: Does air quality -- is air quality
6 considered visual also? Is air quality considered visual
7 also? Because people from all over the world come to Joshua
8 Tree to view the night sky, to see the stars and that. So if
9 we're increasing our PM-10 or our CO2 from all the cars, or
10 whatever it is, is that going to affect the ability of people
11 to see the stars, and then maybe they'll decide to go to some
12 other national park? Until you guys get there.

13 MR. HOGAN: All right. Well, with that, I've gone
14 through all of our specific resource areas that we've
15 addressed in the draft EIS. Does anybody have any
16 generalized comments that we haven't already heard yet that
17 they'd like to share, or concerns with the document overall?

18 MS. CATTERSON: My concern is regarding the
19 construction time of when this project is starting, and how
20 long it's going to take to complete it, until it's
21 operational. I don't know those figures, but if you could
22 let me know.

23 My concern regarding that is that this, as you
24 stated, is an old technology, and whether it will be a
25 technology that is obsolete by the time it gets going or

1 shortly thereafter.

2 MR. CHARPIED: My concern is the funding. If any
3 of this money is coming from the government, then one of the
4 purposes of this EIR or whatever money from the government is
5 to reduce global warming and to make us energy independent.
6 Those are a couple of the criteria. So if this pumped
7 storage plant is going to be getting its juice from the coal-
8 fired plants or somebody else, doesn't meet that criteria
9 anymore on global warming.

10 I just think that the idea that we need to be
11 energy independent by using up the water, by using more
12 electricity than it makes, just doesn't make sense for our
13 future.

14 MR. HOGAN: Okay. Any other last comments?

15 (No responses.)

16 MR. HOGAN: Well, thank everybody. Appreciate all
17 the participation. We have another meeting this evening
18 from -- starting at seven o'clock. The format will be a
19 little bit different. We're going to be doing mostly taking
20 public statements from -- statements from the public at the
21 podium and having -- if affected landowners are present,
22 having an opportunity with the GIS to identify their parcels
23 with -- and how -- how they -- how they're influenced by
24 proposed project features.

25 Can I just get a show of hands of who plans to be

1 here this evening?

2 (Hands raised.)

3 MR. HOGAN: Quite a few of you. Okay. Great.

4 Any questions regarding the process that FERC can
5 address here and now? Donna?

6 MS. CHARPIED: I do have a question. Citizens for
7 the Chuckwalla Valley are intervenors in this case. What I
8 have been asked by people, and I don't know, is, do you have
9 to be an intervenor to sue the federal government on this
10 case?

11 MR. HOGAN: Yes. In order to challenge the
12 Commission's decision, whatever that may be, you have to be
13 an intervenor. That gives you party status in the
14 proceeding. When the Commission's decision on the proposal
15 comes out, there's 30-day opportunity to request rehearing,
16 at which time, you would make an argument to the Commission,
17 and you tell them why they were wrong.

18 MS. CHARPIED: Would we have to go to Washington,
19 DC?

20 MR. HOGAN: No. It's a written argument.

21 MS. CHARPIED: Oh. Cool.

22 MR. HOGAN: And the Commission will then evaluate
23 that rehearing, and address it in an order. If they agree
24 with you, they've overturned their decision. If they
25 disagree with you, their decision will stand, or they'll

1 modify based on the arguments made. At that point in time,
2 if they disagree with the rehearing request, the party then
3 has the opportunity to challenge the Commission in federal
4 court.

5 MR. CHARPIED: So is there like a schedule that's
6 published, you know, when the final's going to be done, when
7 we have comment on it, if we want to appeal? Is there a
8 scheduling for this type --

9 MR. HOGAN: Yeah. I've got it roughly in my head.
10 The comments on the draft EIS are due February 28th. We plan
11 to issue, tentatively now, the final EIS in -- July? -- July,
12 August. The Commission cannot act on -- cannot approve a
13 license -- it can deny, but cannot approve a license prior to
14 receiving the biological opinion or a 401 water quality
15 certification from the state. So I can't tell you how long
16 from the time that we issue the final EIS until the
17 Commission decision will be rendered. But we are planning to
18 revise our draft document based on comments we've heard here
19 today, and written comments that we receive, and having a
20 final document provided and issued this summer.

21 Any other questions on the process or...

22 (No responses.)

23 MR. HOGAN: Okay. Thank you. I guess I'll see
24 many of you tonight.

25 (Whereupon, at 2:43 p.m., the scoping meeting concluded.)

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CERTIFICATE

I certify, under penalty of perjury, that the foregoing is a verbatim transcription prepared from the electronic sound recording produced at the proceedings in the above-entitled matter, and is a true and accurate transcript of said proceedings to the best of my ability and belief.

Michael J. Williamson, Transcriber

Date