

1 FEDERAL ENERGY REGULATORY COMMISSION
2 SCOPING MEETING
3 BISHOP CREEK HYDROELECTRIC PROJECT RELICENSING
4 CAUSE NUMBER P-1394-080
5 CITY OF BISHOP COUNCIL CHAMBERS
6 301 WEST LINE STREET
7 BISHOP CREEK, CALIFORNIA 93514

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9 WEDNESDAY, JULY 31, 2019

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

2 MS. WOLCOTT: We're going to go ahead and get
3 started here. Alright, well, good morning everyone. Thank
4 you for joining us today for the relicensing scoping meeting
5 for Bishop Creek. My name is Kelly Wolcott. I am an
6 environmental biologist at FERC and I'm also the project
7 coordinator for Bishop Creek.

8 And before we get started, I just wanted to go
9 over some basic housekeeping. We have a sign-in sheet. I
10 think everyone might've already signed in already, but if
11 not, let me know. Bathrooms are out on the hallway on
12 either side of the vending machine just across the hall.
13 And this meeting is being recorded. We're going to have a
14 transcript of the meeting that will be posted to the project
15 docket.

16 So, if you're going to make a comment, please
17 say and spell your name before you speak so we can have
18 proper attribution to each speaker. I try and remember it
19 and I sometimes forget myself, so just be aware of that.
20 And we will just do some basic introductions of the FERC
21 team and then we will go ahead and get started.

22 So, again, my name is Kelly Wolcott,
23 environmental biologist with FERC.

24 MR. HASTREITER: Hello. I think I meet most of
25 you yesterday. My name is Jim Hastreiter,

1 H-a-s-t-r-e-i-t-e-r. I'm not going to spell that again, so
2 I'm just going to go by Jim H, if that's alright. And I'm
3 an aquatic ecologist with the Commission, been working on
4 relicensings for about 25 years. Previous to that, I worked
5 in the Compliance Division, so I've seen both sides of
6 hydro licenses, the compliance aspect and the relicensing
7 and licensing aspect, and that's been fairly valuable, so
8 thanks for all coming.

9 MS. WOLCOTT: So, we normally go through the
10 FERC -- who FERC is, what FERC does, why we're here. Is
11 everyone pretty familiar or well versed with FERC? Do we
12 want to do a FERC 101, a FERC light, or just start digging
13 in? I'll leave it up to you all.

14 MS. MONHEIT: Susan Monheit,
15 Mary-Oscar-Nancy-Henry-Edward-Igor-Tom.

16 MS. WOLCOTT: Oh, I'm sorry; if you're going to
17 make a public comment.

18 MS. MONHEIT: Oh, yeah, okay. I thought I had
19 to do this. I have new staff and I'd like them to be
20 introduced to the FERC process.

21 MS. WOLCOTT: Sure, okay. Okay. So, we've had
22 a comment that we want to go ahead and just go through the
23 FERC process.

24 So, FERC has jurisdiction over non-federal
25 hydropower projects. And so, if a project is located on a

1 navigable waterway or uses a federal -- uses federal lands
2 or Reservations or uses surplus water from a federal dam or
3 is subject jurisdiction under the Commerce clause it falls
4 under FERC jurisdiction, so that's where we come in. And
5 so, we have three licensing process. We have a five-member
6 Commission that are all presidentially appointed. I think
7 Commissioner LaFluer is leaving this week, so we might --
8 that might leave us with three, I believe, of a five-member
9 panel. So, we'll wait and see when those are filled.

10 So, we normally have a five-member Commission of
11 presidentially appointed members, the Chairman, and four
12 Commissioners. We're based in D.C. and we have regional
13 offices. We have a regional office in Atlanta, in Portland,
14 where Jim is located, in New York, Chicago, and San
15 Francisco and those are largely for dam safety.

16 So, for the FERC hydropower licensing, we have
17 three processes we use. We have the Integrated Licensing
18 Process, our ILP, which is our default process and that's
19 what SCE will be using for Bishop Creek.

20 We also have a Traditional Licensing Process and
21 an Alternate Licensing Process. So, in order for someone to
22 - if they would like to use either the TLP or the ALP, they
23 have to request that and that then has to be approved. So,
24 with the ILP, it's a marathon. It's not a sprint. It's
25 typically a multi-year process, probably about three years,

1 at a minimum. And there's a pre-filing and a post-filing.

2 So, we're in pre-filing right now. So, SCE has
3 filed their pre-application document. We're having the
4 public scoping meetings. That's the exercise we're all
5 participating in now. There will be a comment period for
6 comments on the pre-application documents, any scoping
7 comments, and any study requests and we're going to dig into
8 that in a little bit. So, those will be due at the end of
9 August and then we would go into an initial study plan
10 meeting where they're developing their study proposals and
11 we would have a meeting about that.

12 Those would go out for public comments. They
13 would then be revised, that would go for public comment, and
14 then the Commission would make a final study plan
15 determination. SCE would then go out and perform their
16 studies as per the study plan determination. We would have
17 a meeting after they've been doing their studies for a while
18 and at that point we would discuss any modifications that
19 are needed to the studies. And the culmination of those
20 would be reports that are then used to inform the
21 development of their license application.

22 There's a draft license application or a PLP, a
23 Preliminary Licensing Proposal. It's the alphabet soup. I
24 always get the acronyms mixed up. So, we have a PLP or a
25 draft license application. They would file that. That

1 would go out for public comments. They would then
2 synthesize those comments into their final license
3 application. And once we get the final license application
4 that's when we enter post-filing.

5 So, once we have an acceptable final license
6 application, we would issue a ready for environmental
7 analysis notice where we would solicit comments, terms and
8 conditions from the public and any agencies that have
9 conditioning authority on the project and those would then
10 be used and taken into consideration when we develop our
11 NEPA document. And then after that we'll issue the NEPA
12 document. That goes out for comment and then that would
13 ultimately result in the licensing decision.

14 So, that huge process takes multiple years, so
15 we're just kind of at the very beginning stages of it. I
16 have a handout. You can take a snapshot of it for some
17 guidance on FERC guidance documents for walking through the
18 process. And I have some handouts here, if you'd like to
19 take one too, as well as a commemorative copy of the scoping
20 document.

21 So, if we want to continue, we can go on and
22 start doing a discussion of the project. And I think SCE
23 has a project and then we'll start digging into the scoping
24 document.

25 MR. WOODHALL: Alright, well, thank you everyone

1 for being here. This is going to be a little bit awkward
2 trying to speak from up here at the desk and trying to --
3 can everybody hear me okay.

4 MS. WOLCOTT: Yes. And then just your name. I
5 was bad about it too. I didn't say my name.

6 MR. WOODHALL: Okay. Well, I'm Matthew
7 Woodhall. I'm spelling the last name, W-o-o-d-h-a-l-l. I'm
8 the Project Manager over this project.

9 But before we get started just -- and one of
10 things in Madison world we like to start our meetings off
11 with safety and kind of a consideration of what we're going
12 to do if something bad happens in here. And I think in your
13 case we have a pretty good, straight shot exit right out the
14 door, but I just would like to communicate that. That in
15 the event we need to exit, we need to head straight out and
16 get out into an open area. And then we have a sign-in sheet
17 that hopefully everybody has signed into that we'll use to
18 account for everyone. So, just want to start off with that.

19 And by the way of some introductions, I've
20 already introduced myself, but here today from SCE we also
21 have Martin Ostendorf (ph) in the back. He's the manager of
22 our regulatory support services group. And then we have
23 Samantha Nelson here, who is the production manager up here
24 within the Mono Basin. And then you guys all met -- I think
25 all of you were on the visit yesterday, with the exception

1 of Larry, but Al Partridge, yesterday, who's our production
2 manager. And then also, SCE has retained a consultant to
3 help us with this work, Kleinschmidt and key players with
4 Kleinschmidt is Kelly Layermer (ph), who you also met
5 yesterday. She's the project director, and then Findley
6 Anderson is the project manager on our consultant side.

7 So, I just want to welcome everyone and thank
8 everybody for coming. This is an important part of the
9 process. Today we hope to just provide you a real quick
10 overview. Again, we were all on the walk yesterday, but
11 this will maybe kind of coalesce everything into one place
12 to kind of revisit what we looked at yesterday and then just
13 also talk a little bit about our relicensing process and our
14 approach to this and just starting this general dialogue
15 with the FERC and getting this thing really kind of
16 officially kicked off.

17 So, when we started this process, we came up
18 with just an overall vision. This is something I know we've
19 shared with the participants in this process, but you know
20 overall Edison has a goal to achieve excellence in safety
21 operations and innovation, delivering reliable, valuable,
22 and clean generation solutions for our customers and our
23 communities. This is a very community-based project. You
24 know people live in and around and recreate around our
25 operations.

1 Coming out of that vision, we came up with some
2 basic goals and just success factors and some things that we
3 could kind of track ourselves as we move through the
4 process, but we're looking for a process that has clear
5 communication of the relicensing process and key milestones.
6 We started that process fairly early with the agencies and
7 got them engaged and started talking about this coming down
8 the pipe fairly early on.

9 Our goal is to have an open and transparent
10 stakeholder engagement. Again, trying to get everybody
11 involved early, trying to start having conversations early
12 about what the different stakeholders' resource interest
13 were, and that included NGOs in the area and just trying get
14 in as much information as we could early on. It's very
15 important to us that we maintain a positive community and
16 agency stakeholder relationship. That's something that
17 we've worked hard at over the years. We've been in this
18 region for quite some time and it's very important to us that
19 we keep that positive attitude.

20 A couple of highlighted things you'll see there
21 in red, and I already alluded to it a little bit, but just
22 this early sharing of project information, operation, and
23 resources really starting early which would help us with
24 identification and understanding of the stakeholder
25 management objections is if we could start hearing those

1 things even before the process was formally kicked off it
2 was very valuable to us. So, that was one of the things
3 that we set out to do.

4 Again, the early identification of resource
5 issues, thinking of some creative resolutions to some of
6 those issues as they arose, trying to have that open dialogue
7 and then develop of the resource with the balanced license
8 conditions; how can those two things live together. And of
9 course, paramount to us that we have the support -- the
10 stakeholder support and the approval of those license
11 conditions.

12 One of the things we've done in this process is
13 what we're touting as just a hybrid licensing approach.
14 It's the ILP process, like you said Kelly, but basically
15 what we've done is we've taken a chunk of what would
16 normally happen after the filing of the PAD. We would
17 basically would be starting into that process following the
18 scoping meeting with the identification of the study plans.
19 We basically took that chunk and we accelerated it and put
20 it out in front. I know I had some conversations with the
21 agencies about this approach back in 2017 and kind of got
22 their input on it. And here, locally, the agencies were
23 supportive of it. And I gave them the opportunity to have
24 the appropriate level of staff -- you know for us to be
25 successful we couldn't just come out and say, hey, we're

1 just going to do this, kind of change things up here;
2 particularly, with the ILP that's very structure and rigid
3 in its timeframes. That it was important for us to say,
4 hey, we're going to do something a little different. How
5 does that sound? And everybody was supportive. And so,
6 we've spent a great deal of time here over the last year and
7 a half or so collaborating with the stakeholder on the study
8 plan development.

9 And then, we also were able to -- because of
10 that early engagement we were able to actually start
11 implementing some things early, things that we knew were
12 going to be kind of those non-brainer things, the things
13 that we knew we were going to have to do. And then, as a
14 part of that early engagement, we filed with our PAD 15
15 studies that were identified during that process that we
16 included in the PAD.

17 So, just a quick overview, many of you are very
18 familiar with the project already. Again, almost all of us
19 were out there yesterday, but we have this overarching
20 vision that we've created. But one of the key things is
21 just a general project history in this region, just for any
22 of you who may not know. We also talked a little bit about
23 this at our kickoff meeting, but it has a rich history
24 that's really rooted in the gold rush back in the early
25 1900s in the area fairly close to here over in Tonopah and

1 Goldfield.

2 They found gold over there. The gold camps were
3 thriving, but they were burning through wood faster than
4 they could accumulate it for their fuel over there and a
5 couple of innovative guys developed hydropower here on the
6 Bishop Creek Reach to provide power for those gold mining
7 operations and it's been making power over here ever since,
8 so over a hundred years. So, there's a rich, deep-rooted
9 history here, much like other parts of California, you know
10 centered around the gold rush; but today it remains a very
11 viable electric-generating operation.

12 So, with that, I'm going to turn it over to
13 Samantha, let her talk through a little bit of just some of
14 the general, overall operations. We talked through a lot of
15 it yesterday. Samantha may be able to add a few things from
16 her perspective as the manager of this, but we do have
17 certain things that we have to deal with in the local area
18 in the way in which we operate. And we roll into this
19 relicensing; we're really seeking to just license it, as is,
20 with no major changes.

21 So, I'm going to turn it over to you, Samantha.

22 MS. NELSON: So, my name is Samantha Nelson.
23 It's spelled S-a-m-a-t-h-a, last name's Nelson, N-e-l-s-o-n.

24 So, Bishop Creek consists of five different --
25 sorry. Bishop Creek Project consists of five different

1 creeks. You have Bishop Creek South, Middle Fork Bishop,
2 North Fork Bishop, McGee Creek, and Birch Creek. And we
3 have several or two governing documents that dictate how
4 we're going to manage flows going through the project.

5 The first one's the Chandler Decree. It was
6 established in 1922 and that dictates how much water we're
7 going to release from the entire project. We measure that
8 flow at the outlet of Plant 6. The minimum flow is 33 cfs,
9 the maximum is 90, and there's varying degrees in between.
10 The maximum is reached during summer when we have plenty of
11 water in our reservoirs. The second one is the LADWP Sales
12 Agreement. That is a secondary agreement.

13 The first one, the most significant, is the
14 Chandler Decree. The second one, LADWP, and that requires
15 us to -- each year we're allowed to holdover water in our
16 reservoirs and the max that we're allowed to holdover in our
17 reservoirs, Sabrina and South Lake, is 10 percent of
18 capacity. Now, if we were to have a dry year or we're
19 forecasting a dry year, we can have a mutual agreement with
20 LADWP and they'll o a variance for us.

21 So, reviewing the project map here, we have
22 several different pond storages. Our biggest is South Lake
23 and our second biggest is Sabrina. Those are where the bulk
24 of our generation comes from. And we have a few other
25 ponds, so Bluff Lake, South Lake, and Weir (ph) Lake. They

1 all come off of South Fork or they feed into South Fork.
2 So, Sabrina, North Lake, and Intake 2, they feed into -- no,
3 sorry, North Lake. Sabrina feeds into the middle fork of
4 Bishop Creek Project and North Lake feeds into the north
5 fork of the Bishop Creek. And Longley Creek feeds into the
6 Birch/McGee Creek. So, we have five different powerhouses
7 on this project with a nameplate capacity of 28.5 megawatts.

8 So, Sabrina is our second largest facility.
9 It's acre feet is 7,350 and we maintain our operations to
10 help support the recreation in that lake and the resort that
11 is located on the lake.

12 The next one is Hillside Dam, or better known as
13 South Lake. That's our largest reservoir and that's at
14 12,883 acre feet. And we also operate with recreation in
15 mind and the community in mind. And then Bluff Lake that
16 feeds into the Green Creek Diversion. It's a pond, picture
17 of Green Creek Diversion. The next one is Weir Pond. South
18 Lake feeds into Weir Pond and it goes through South Fork
19 Diversion. And then, Longley goes through McGee Diversion
20 down to the -- there is it right there, McGee Diversion, to
21 the Birch/McGee Diversion over to -- let's see, that's the
22 McGee Creek gauging station over to Intake 2.

23 So, all of our diversions they all end up at
24 Intake 2 and then they go through the powerhouses. It
25 starts with Powerhouse 2 and then Intake 3 into Powerhouse

1 3, Intake 4, Powerhouse 4, Intake 5, Powerhouse 5, Intake 6
2 and then Powerhouse 6 and then it goes into the canal system
3 of Bishop and there's a few more pictures here. There's
4 Powerhouse 2, Powerhouse 3, it's spillway -- oh, sorry.
5 Yeah, Powerhouse 3, Powerhouse 4, Powerhouse 5 and 6.

6 So, we're not anticipating any changes with this
7 project. We want to keep it as is and we want to continue
8 our partnership with the community and with the local Forest
9 Service, as well as Fish and Wildlife and the other agencies
10 in the area.

11 MS. WOLCOTT: Alright, thank you, Sam.

12 So, if you have a copy of the scoping document,
13 we've pretty much gone through Sections 1, 2, and 3. So,
14 we're just going to start digging into Section 4, which is
15 the discussion of resource effects that we've identified.

16 So, we'll start with cumulative effects, which a
17 cumulative effect is basically any resource that we see as
18 being affected both by the project and anything else going
19 on in the area, be it hydropower or any other activity.
20 They can be individually minor, but collectively substantive
21 effects to resources in the past, present, or foreseeable
22 future.

23 So, with that, we identified water quantity and
24 quality that as being cumulatively affected resources,
25 potentially. So, when we identify cumulatively-affected

1 resources, we look at a geographic scope, which is just a
2 footprint of the area that we've identified this effect,
3 where it could take place in a temporal scope of timeframe.

4 The geographic scope that we've identified for
5 water quantity would include the Bishop Creek Basin from its
6 headwaters in the eastern tier of Nevada and that would
7 include the North, Middle, and South Forks through the City
8 of Bishop to its confluence with the Owens River. And for
9 the temporal scope that's based on the potential term of a
10 new license. We're looking at a 30 to 50-year horizon for
11 these cumulative effects.

12 So, does anyone have any comments or questions
13 on cumulative effects?

14 (No verbal response)

15 MS. WOLCOTT: Alright, well, I guess we'll start
16 diving into the resource-specific effects that we've
17 identified. And for geology and soils, we haven't really
18 identified any that would have the potential to occur under
19 a licensing.

20 Jim, did you want to discuss the aquatics or did
21 you want me to just read those.

22 MR. HASTREITER: Go for it.

23 MS. WOLCOTT: Alright, so for water and aquatic
24 resources, we've identified the effects of continued project
25 operations and facilities on water quality in the project

1 reservoirs and project-affected stream reaches and that has
2 an asterisk next to it, which is how we also identify a
3 cumulative effect in this list of resources.

4 Next, effects of project operations, including
5 the current minimum in-stream flow releases and channel
6 maintenance flows on resident fish and aquatic habitat in
7 the project-affected stream reaches; effects of project
8 operations and facilities on upstream and downstream fish
9 passage, including entrainment and turbine mortality;
10 effects of project operation on fish populations in project
11 reservoirs and affected stream reaches; effects of project
12 operations and facilities on recruitment and movement of
13 large, woody debris and coarse sediment on aquatic habitat,
14 including mackerel and (inaudible); effects of operations
15 and facilities on potential spread of invasive mussels on
16 project reservoirs. And that does it for aquatics.

17 And so, if you have a comment or a question, if
18 you could come to this microphone on the end, we have
19 recorders set up there too. Thank you very much. It looks
20 like we've got one comment coming in.

21 MS. MONHEIT: Susan Monheit, State Water
22 Resource Control Board, the spelling of my last name,
23 M-o-n-h-e-i-t.

24 Okay, my comment is that potential impacts to
25 water quality and aquatic resources should include effects

1 of project operations and facilities; particularly,
2 recreation on reservoirs and streams for bacteria. Thank
3 you. Was this not the right place to make that comment?

4 MALE SPEAKER: No, that's fine.

5 MR. HASTREITER: I just wanted to ask a
6 clarifying question. So, you mentioned recreation, so I'm
7 assuming you're talking about water-borne bacteria related
8 to recreation activities?

9 MS. MONHEIT: Yes.

10 MR. HASTREITER: Are there any particular water
11 bodies that you're concerned about or do you have any
12 information related to elevated bacteria levels on any of
13 those water bodies?

14 MS. MONHEIT: I don't have information, which is
15 why I would like there to be a collection of information and
16 the State Water Board will request a study for bacteria
17 monitoring in reservoirs where there is boating, swimming,
18 any water contact and downstream reaches from those
19 reservoirs.

20 MR. HASTREITER: Okay, so you're talking
21 reservoirs mainly or the entire stream reaches?

22 MS. MONHEIT: Reservoirs and downstream reaches
23 from the reservoirs.

24 MR. HASTREITER: Alright, just wanted you to
25 clarify a little bit more, that's it. Thank you.

1 MS. WOLCOTT: Alright, perfect. Do we have any
2 more comments on aquatic resources before we move on to
3 terrestrial?

4 (No Response)

5 MS. WOLCOTT: Alright, seeing no more comments,
6 we'll move on.

7 So, for terrestrial resources, we've identified
8 the effects intermediate operation on riparian and wetland
9 habitat and associated wildlife, including water fowl and
10 wetland-dependent birds; effects of continued project
11 construction, operation, and maintenance on upland wildlife
12 habitat and associated wildlife; effects of continued
13 operations and maintenance of the project transmission lines
14 on migratory birds and rafters and indirect effect, such as
15 recreational activities associated with the project of both
16 project operation and maintenance on wildlife species, such
17 as mule deer.

18 Do we have any comments on wildlife resources?

19 (No Response)

20 MS. WOLCOTT: Alright, heading down to
21 threatened and endangered species, effects of the project
22 operations and maintenance on federally-endangered species,
23 such as the Sierra Nevada yellow-legged frog, the Sierra
24 Nevada bighorn sheep, southern willow flycatcher, southern
25 mountain yellow-legged frog, and designated critical

1 habitat, such as for the Sierra Nevada yellow-legged frog
2 and the Sierra Nevada bighorn sheep, and effects of
3 continued projection operations on the federally-listed
4 endangered Owens cui chub, is the correct pronunciation,
5 Jim?

6 MR. HASTREITER: Yes.

7 MS. WOLCOTT: Okay, good.

8 Any comments on threatened and endangered
9 species/

10 (No Response)

11 MS. WOLCOTT: Alright, so the last -- oh, no,
12 there are more. So, for recreation, we identified effects
13 of continued project operations on recreational use in the
14 project area, including the adequacy of existing
15 recreational access and capacity of existing recreational
16 facilities.

17 Any comments on rec?

18 (No Response)

19 MS. WOLCOTT: Okay, so for land use and
20 esthetics, we identified accuracy of the current project
21 boundary and whether land should be added or removed from
22 the project boundary.

23 Alright, we've got one comment.

24 MR. PRIMOSCH: Hey, good morning. I'm Larry
25 Primosch, P-r-i-m-o-s-c-h. I'm a realty specialist for the

1 BLM Bishop Field Office. I think this is a place that I can
2 ask this question is or make this comment about.

3 It seemed liked in previous relicense we cleaved
4 off some power lines from the original project and I'm
5 asking whether there are additional power lines that are
6 going to be removed from the project, which is going to
7 result in agencies reissuing licenses or right-of-ways for
8 those proposed power lines.

9 MS. WOLCOTT: I'm not aware at this time of
10 that. I think there were license amendments in the past
11 where certain transmission facilities were removed from the
12 project, but I don't think that's under consideration at all
13 under the relicensing. So, I think the current project
14 facility use and features that are under the license
15 currently, as modified by the amendments of what is going to
16 be considered for moving forward. I don't think
17 transmission lines are what we're referring to here as far
18 as alterations to the project boundary.

19 MR. PRIMOSCH: Okay. The second one has to do
20 with -- I don't remember how long ago it was, but there were
21 two situations where during reservoir cleanouts you know the
22 BLM was approached to provide an area where that debris
23 could be deposited. And really you guys need to address
24 some other place where that debris is placed because we're
25 not going to address that any more as a proposal from SCE to

1 effectively take a bunch of this debris and put it somewhere
2 on public land.

3 So, it appears that there's no consideration of
4 that during these kinds of activities.

5 MS. WOLCOTT: Oh, so, you're talking about like
6 a spoiled disposal site for potential dredging?

7 MR. PRIMOSCH: Yeah, exactly.

8 MS. WOLCOTT: Okay.

9 MR. HASTREITER: So, Al Partridge talked about
10 that yesterday while we were at Intake 2 or Partridge Pond
11 and he pointed out there was -- where they placed the spoils
12 in the previous time that it was dredged. I'm assuming,
13 based on your comments, that it was on BLM land because he
14 pointed out just up behind the hill at Intake 2.

15 MS. WOLCOTT: It was Forest Service. It was a
16 Forest Service disposal site and I think that was in --

17 MR. PRIMOSCH: And that's a place for it.

18 (Laughter)

19 MR. HASTREITER: I was trying to straighten that
20 out on the record that it was Forest Service lands where
21 those spoils were put in the past as far as we're aware, but
22 if you have information that that's not accurate and BLM
23 lands were used if you could let us know exactly where those
24 BLM lands --

25 MR. PRIMOSCH: Yeah, there were two situations

1 where we received a call and said, hey, we've got this
2 debris and we're looking to put it somewhere. In that case
3 we were able to find -- it was actually an old material pit
4 from way back that hadn't been reclaimed or anything like
5 that and we put the debris there. And the second one had to
6 do with a bunch of debris that was down, either by Plant 5
7 or Plant 6 and we ended up putting it on public land;
8 although, in both those cases -- we're not going to do that
9 anymore. In other words, satisfy a demand like that in the
10 future.

11 MR. HASTREITER: Okay, that's something we'll
12 include as one of the issues.

13 MR. PRIMOSCH: Thanks.

14 MS. WOLCOTT: Thank you. Yeah, I think there
15 was a second disposal site; am I wrong? Because there was a
16 Forest Service site by Intake 2 and I thought there was
17 mention on the site review yesterday that there was another
18 disposal site. Was that on SCE land or am I completely
19 getting my wires crossed?

20 MR. WOODHALL: I think there's one down at Plant
21 6.

22 MS. WOLCOTT: Can you -- sorry.

23 MR. WOODHALL: Yeah, there's the location down
24 at Plant 6 that we did briefly discussed that we originally
25 thought was SCE land. It ended up being DPW land or vice

1 versa.

2 MS. WOLCOTT: Oh, I see, okay.

3 MR. WOODHALL: And Al probably has more
4 background on that, but in terms of Larry's comment, we
5 would never put anything on BLM land without working with
6 first. In those kinds of things, we work with you, but I
7 think we've got some other -- the Forest Service facilities
8 and I think there is another -- from my understanding,
9 another spot that we had spoken to the Forest Service about,
10 but has never been --

11 MS. WOLCOTT: Formalized?

12 MR. WOODHALL: Formalized, yeah.

13 MR. PRIMOSCH: And will you do that as part of
14 the relicensing then, try to formalize that?

15 MR. WOODHALL: That is one of the discussions
16 that we brought up that we would like to try to identify, if
17 we could, those locations, to get them established, yes.

18 MS. WOLCOTT: Thank you. Yes?

19 MR. ANDERSON: I don't know if I can sort of
20 speak maybe about project issues. This is Finlay Anderson,
21 F-i-n-l-a-y, Anderson, from (inaudible) Associates.
22 Regarding not so much project issues as much as the
23 collaborative nature of how Edison would like to address
24 project issues in this next 30 days prior to the end of the
25 comment period. There were a few issues that were

1 identified in the scoping document that I think warrants
2 some additional collaboration and discussion with the
3 stakeholders.

4 Would you like for me to speak to those now or
5 is that more appropriate when we get into the proposed
6 studies.

7 MS. WOLCOTT: Why don't we table that for a
8 little bit later? We have two more resource areas and then
9 I think we get into -- yeah, proposed studies are up next.
10 We just have two more resources to hit and then we'll dig
11 into the studies.

12 MR. HASTREITER: So, you're talking about
13 bullets under effects -- project effects?

14 MR. ANDERSON: Correct, yes.

15 MR. HASTREITER: Well, why don't you let him go
16 ahead on that because that's where we're at right now?

17 MS. WOLCOTT: Oh, sure. Okay, sure.

18 MR. ANDERSON: Well, I think the major issue to
19 just talk about and put on the record is a question in the
20 effects discussion about -- going back to aquatics, effects
21 of project operations and facilities on upstream and
22 downstream fish passage, including entrainment and turbine
23 mortality. This was an issue that got discussed earlier on
24 in the relicensing or in the hybrid ILP process and early
25 consultation with the stakeholders.

1 It was not identified s a priority topic.
2 Studies were done in the nineties at the last relicensing
3 that sort of addressed and answered the question of impacts.
4 And as a result of that, those studies POE (ph) measures
5 were developed and agreed to and implemented which were
6 proposing to continue forward into the relicensing term.

7 I think the licensee or the applicant would like
8 to talk to the stakeholders about how that question fits
9 into the suite of studies and impacts that we've already
10 discussed and prioritize a little bit so that we can move
11 forward with the studies that we've identified to date and
12 prioritize. So, I think we're going to come back with,
13 ideally, a sort of a consensus from the stakeholders that
14 that question does not address a resource need at this
15 point. And so, I just want to put that on the record and
16 certainly that warrants further discussion with our group
17 and we'll be looking forward to providing comments and
18 supporting documentation.

19 MR. HASTREITER: Great. Thanks Finlay. Yes?

20 MR. LEONE: So, my name is Tristan Leone. First
21 name T-r-i-s-t-a-n; last name L-e-o-n-e. And we've been
22 going pretty quick here, so I'm going to ask a question, a
23 clarifying question going back to this exercise of kind of
24 identifying impacts for your scoping analysis. So, are we
25 to interpret under 42.1 that at this point in time the

1 Commission doesn't believe that there are impacts
2 associated with geology and soil resources?

3 MS. WOLCOTT: We haven't identified any, but if
4 you believe there are, by all means.

5 MR. LEONE: I think the question that I would
6 pose or maybe the suggestion or discussion is that at least
7 the project that we aware, it does hydro-dynamically control
8 the watershed there. (Inaudible) responses that are part of
9 that I think the discussion is well that there are spoil
10 tiles and other activities that are associated with O&M that
11 could lead to some discussion about impacts that need to be
12 included as part of the analysis. So, I just wanted to
13 throw that out there.

14 And then second question, as it relates to that,
15 there is the fifth point under Water and Aquatic Resources
16 where it seems to suggest that there's some effect about
17 woody debris transport and core sediment, so there's a
18 linkage there between soil and geology. I just wanted to
19 point that out.

20 Last question, at least for now, moving on to
21 terrestrial resources, the second bullet point, last two
22 words it mentions associated wildlife. So, in the content
23 of kind of analysis I associate wildlife with generally
24 critters and four-legged animals, right, but are we also
25 talking about botanical resources?

1 MS. WOLCOTT: Yes.

2 MR. LEONE: Okay, thank you.

3 MS. WOLCOTT: Yeah, I think that was trying to
4 be encompassed in the habitat.

5 MR. LEONE: Understood. Can we just make sure
6 that we note that clearly that it's also inclusive of
7 botanical resources?

8 MS. WOLCOTT: Oh, for sure.

9 MR. LEONE: Thank you.

10 MS. WOLCOTT: Thank you.

11 Alright, so I think we were moving onto -- I
12 think we hit land use and esthetics, so we'll move onto
13 cultural. And so under "Cultural," we identified the
14 effects of continued operation on his historic or
15 archeological resources or traditional cultural properties
16 that may be eligible for inclusion in the National Register
17 of Historic Places.

18 Do we have any comments under cultural
19 resources?

20 (No Response)

21 MS. WOLCOTT: Alright, so the last resource we
22 identified, the last resource effect was the economics of
23 the project and the effect of any recommended environmental
24 measures on the project economics.

25 Alright, so we'll move on to Section 5 which is

1 "Proposed Studies and this is just basically a table of the
2 current studies that SCE has proposed in their PAD, was just
3 a brief overview of what those studies are. So, that's
4 their initial study proposal.

5 Do we have any comments on that?

6 MS. MONHEIT: So, these are comments on all of
7 the proposed studies?

8 MS. WOLCOTT: I'm sorry?

9 MS. MONHEIT: Could you repeat --

10 MS. WOLCOTT: Oh, no, I was just saying these
11 are the proposed studies that SCE included with their PAD
12 and if anyone had anything that they wanted to say about
13 that right now.

14 MR. LEONE: So, again, another question and I
15 don't know if you guys necessarily have the answer for it.
16 So, 4.2.8 have been involved in many different relicensing
17 from TLP to AMP to IMP, so one of the questions that I would
18 pose, and it's relevant to all stakeholders here when it
19 gets to economics, does FERC have a defined power values and
20 assumptions that feed into that analysis and what -- because
21 we've looked at different power values and they make the
22 resources conditions when you guys go to analyze it that
23 weighing and balancing can have a dramatic effect, depending
24 upon those power values. So, do you have standardized
25 approach to that or one that you've applied because

1 different projects have different power values? They have
2 different flexibility. And in California, especially,
3 because of the changing nature of economics in power and
4 kind of this diverse landscape that we find ourselves in
5 that has a big, significant impact on that particular part
6 of the analysis, so I'm just questioning what's the game
7 play for that, moving forward?

8 MR. WOODHALL: Well, our engineer didn't come to
9 this meeting and that's the expertise. But yes, we do have
10 a standardized methodology for doing that. And you could
11 probably look at any commissioned license Order or EA and it
12 sort of describes what that standard protocol is. You know
13 I don't know it off the top of my head, but it seems on this
14 -- and again, I don't know what's going on as far as SCE's
15 proposal sounds like they're not going to recommend a lot of
16 changes to the project operation at this time and so I don't
17 -- you know it's early in the process, so we really don't
18 have a feel for what the resource agencies' recommendations
19 and terms and conditions are going to be that might affect
20 economics, but my initial impression is it's probably not
21 going to be a big issue on this project, but that could
22 change, depending on what comes in, in response to the
23 scoping document.

24 MR. LEONE: And I'm not necessarily disagreeing
25 with it or agreement on that point. I just want to point

1 out that in other relicensing throughout California FERC had
2 used disparate power values which have changed the analysis
3 and it's not consistent in terms -- and for this project
4 it's a fairly small, not to demean the project in any way,
5 but relative proportions of electricity and given that we're
6 experiencing, at least from my 30,000-foot level view in
7 California, there are a lot of projects that are
8 questioning the economics and we're dealing a lot with
9 decommissioning of things, so what value you insert in that
10 equation and what answer you get out at the end has a lot of
11 ramifications; especially, as you're talking about proposal
12 for decommissioning.

13 I'm not suggesting that that's a relevant or
14 appropriate thing that SCE is pursuing or that we're
15 recommending, but it is something that we're cognizant of
16 because the back of relicensing or whatever is less well
17 defined and we're grappling with a lot of land resource
18 management issues when the companies then come back five
19 years from now and say actually it doesn't pencil out and
20 we're changing course. And so, that value that you throw in
21 and those assumptions are kind of critical for everyone's
22 understanding of analysis because we're talking about a 40
23 to 50-year timeframe, right, for a license moving into the
24 future, right, and do those assumptions make sense.

25 MR. HASTREITER: So, you'll have an opportunity

1 to comment on that in our EA because those power values and
2 that analysis will be described.

3 MR. LEONE: Right.

4 MS. WOLCOTT: I think there's some -- if there
5 are like regional power agreements or something that goes
6 into the calculus of the project economics too. I think
7 that's one of the drivers of how that power value is
8 determined. But to what you were saying as to things that
9 over a five-year horizon that the company comes back and
10 says, oh, we're penciling that out I mean if it's a license
11 condition they just can't pencil it out. They would have to
12 come before us and that would be a compliance measure. It's
13 not like it was like, oh, well, you know that doesn't work
14 for us anymore, so we're not going to do it. That would be
15 a violation, potentially, of any licensing condition, if
16 that was a licensed article requirement.

17 MR. LEONE: I would just point out, just
18 speaking from experience of relicensing -- sorry, talking
19 back and forth here. So, getting back to this topic, there
20 have been other analysis that have been done by the
21 Commission that have used power values that were kind of
22 rooted in time 10 years ago that are no longer kind of hold
23 for California's markets. So, as long as we use kind of an
24 up-to-date analog, I think that's the -- you know making
25 sure that that's appropriate for the scope of this analysis

1 rather than assumptions that no longer kind of really hold a
2 lot of value.

3 MS. WOLCOTT: Okay, thank you.

4 MR. HASTREITER: Yeah. And as far as I'm
5 concerned, we usually use the most updated power values that
6 I'm aware of, but I mean if you've discovered past EAs or
7 licenses that didn't I hope you commented on those so that
8 could be corrected because our practice is to use the most
9 up-to-date values. And I'm sure SCE would raise it as well
10 if we're using incorrect power values.

11 MR. LEONE: It would be within their interest.

12 (Laughter)

13 MR. ANDERSON: I just wanted to mention in the
14 context of the proposed studies that are listed here these
15 are the studies that were in the PAD and I just wanted to
16 make sure that everybody was aware that substantially
17 complete study plans were filed as an Appendix and as a
18 separate volume to the PAD, which contains complete Goals
19 and Objectives, Rationales, Methods for all of these
20 studies.

21 And I wanted to point out that these plans have
22 continued to be sort of evolved since the filing of the PAD
23 in response to Scoping Document 1 and in response to some
24 additional comments that we've received from stakeholders.
25 So, we anticipate filing -- I don't see the need for any

1 additional studies that are not currently listed here, but
2 certainly there's objectives and some methods that are being
3 adjusted with response to Scoping Document 1 and discussions
4 regarding, for example, bacterial contamination that we're
5 already anticipating and will be in communication with the
6 stakeholders shortly about those revised study plans. So, I
7 just wanted to make sure that the Commission was aware of
8 those study plans that are already on file.

9 MR. HASTREITER: And you're going to update
10 those?

11 MR. ANDERSON: Yes.

12 MR. HASTREITER: Okay.

13 MS. WOLCOTT: Okay. Yeah, this was just meant
14 to provide sort of a high-level overview of the studies that
15 were filed with the PAD just as a kind of a summation in
16 bullet form or overview.

17 MS. MONHEIT: Just to reiterate an earlier
18 point, in this new section of the scoping comments that
19 State Water Board supports the collection of baseline water
20 quality information for bacteria related to recreation in
21 all project reservoirs. And I think it would be a good idea
22 to have a robust baseline in project-affected stream
23 reaches, so throughout the project for future comparison. I
24 mean that monitoring might not be as robust moving forward,
25 but we'd like to have a baseline throughout the project

1 streams and reservoirs. Thank you.

2 MS. WOLCOTT: Alright, so Section 6 of the
3 Scoping Document is basically just where we solicit requests
4 for information and studies. So, for FERC study plans -- so
5 August 29, this is the date you guys need to remember.
6 August 29 is the deadline for filing comments on the PAD.
7 On scoping comments, if you guys want to file written
8 scoping comments or additional study requests, the deadline
9 is August 29.

10 And so, the Commission has -- for study plan
11 requests there are certain criteria that the Commission has.
12 There are six of them, I believe, and those are all included
13 in Appendix A of the Scoping Document. And then, again, we
14 have a whole guidance section on our website and I have a
15 couple handouts, so it's a screenshot that includes the link
16 for the page and then there are links to more detailed
17 guidelines on study plan criteria and other ILP guidance
18 material, if you guys would like those.

19 So, just bear those in mind when you are
20 formulating any additional study requests and make sure that
21 your requests ticks all those boxes please.

22 MS. MONHEIT: I have a couple of additional
23 comments on the proposed studies. And the staff who works
24 through the group meetings is not here, so under Terrestrial
25 Studies, since the Goals and Objectives include riparian

1 ecosystem health, I would like BMI monitoring to be included
2 as an indicator of ecosystem health. And for the assessment
3 of evasive plant study, I would -- I guess this is a
4 question because I wasn't at those discussions, but not only
5 would water level change for the disbursement of aquatic or
6 riparian seeds or weeds be an issue, but also disbursement
7 of terrestrial weeds along roads, which are distributed and
8 disbursed when traffic goes by. So, those are two corridors
9 that I'd like to be sure are included in the evasive plant
10 study. And that ends my comments. Thank you.

11 MS. WOLCOTT: Okay, thank you.

12 So, does anybody have any questions on how study
13 plan criteria or filing comments. We prefer electronic
14 filing of comments and I brought pamphlets with me on how to
15 file with the Commission. We have an E-filing system. And
16 then if you have short comment, like I think it's 500 words
17 or less, there's an E-comment that's just a quick E-comment.
18 But if you want to file larger, substantive comments or like
19 a study request, there's an E-filing system that we have in
20 place. You can also submit paper comments, if you'd like,
21 and the address is provided on page 25 of the Scoping
22 Document.

23 So, are there any questions on study plan
24 criteria at this point in time?

25 MR. LEONE: This is a question for, I think, all

1 of us involved since we have worked collaboratively together
2 as a group to come up with some initial study proposals
3 prior to the official pre-filing requirements.

4 And it's my and Finlay, and SCE could speak more
5 to this, so of the files that have been filed with the
6 Pre-Application Document, if there's general consensus and
7 agreement in a letter that more or less memorializing that,
8 and I'm not suggesting that we're at that point at this
9 point in time, how does FERC treat that and how does that
10 fit within the ILP process timeline?

11 I mean it's my interpretation based upon the way
12 this is described that that doesn't necessarily change, so
13 these timelines are still going to be set. There are the
14 dates that are set. They wouldn't accelerate necessarily
15 moving certain dates forward, I guess is my point; is that
16 correct?

17 MS. WOLCOTT: Yes, unless SCE -- and I think
18 their intention is to seek waivers for certain parts of the
19 ILP process. So, we would have to take that under
20 consideration and grant or deny that request. So, depending
21 on how the Commission decides on that, that would alter the
22 schedule a bit. So, I've been sort of saying the
23 traditional ILP, which is what we have in the schedule in
24 the back and so what SCE has been proposing as wanting to do
25 in seeking the waivers I've just coined as a hybrid ILP to

1 try and distinguish between the two.

2 So, right now we're carrying forward, as we
3 would under a normal ILP process and then once SCE submits
4 their waiver requests and we analyze that and come to a
5 determination on that, that may or may not alter the
6 timeline, depending on whether that is granted or denied.

7 MR. LEONE: Okay, so one would anticipate that
8 there would be potential waivers for certain pre-filing
9 consultation requests, if that was the path that they chose
10 and that you guys would be ruling on those individually.
11 Correct?

12 MS. WOLCOTT: I would assume it would be
13 individually. It would probably depend on how the waiver
14 was submitted to us.

15 MR. HASTREITER: Well, we hope it wouldn't be
16 piecemeal. That they would come in with this is our plan
17 based on our consultations with the agencies.

18 MR. LEONE: So, you wouldn't rule on the whole
19 package I guess is my point rather than, okay, they came
20 with a suite of studies and then maybe getting (inaudible)
21 didn't have the answer to this study. So, if they came in
22 with a plan that said we would like to follow this process
23 for these timelines and this is what we want to do, then
24 FERC would weigh in on the whole package rather than each
25 individual aspect that would pertain to like, say, just

1 filing a study plan and you know this dispute resolution, if
2 there are disputes that comes in.

3 MR. HASTREITER: Yeah, we would address -- you
4 know when they come in with the waiver and if there are six
5 waivers -- you know I'm not a waiver expert, necessarily, we
6 would address every one of those in their request.

7 MR. LEONE: Okay.

8 MR. HASTREITER: So whatever SCE comes in with
9 we would address.

10 MR. LEONE: And then it would set up in that
11 licensing Order or whatever relicensing Order it would
12 establish the new timelines then, assuming that you make --

13 MR. HASTREITER: Well, we're not at the Order --
14 relicensing Order part yet.

15 MS. WOLCOTT: It would establish a new schedule,
16 I think, is what you're saying.

17 MR. HASTREITER: Yes.

18 MS. WOLCOTT: Yes. And I think that would be
19 included as like an addendum or an appendix to the letter.
20 It's like, so here's what they've requested, here's what
21 we're going with or not, and here's the resulting schedule
22 adjustments.

23 MR. LEONE: And then the second question as it
24 relates to the proposed schedule or the official schedule
25 that would go to that, would FERC have kind of a rudimentary

1 post-filing timeline schedule as well because this is all
2 pre-filing (inaudible).

3 MS. WOLCOTT: Right. So, the post-filing would
4 depend on -- so, the filing of the application is sort of
5 known based on the regulatory schedule, but moving on from
6 there would depend on once we have an acceptable licensing
7 application. So, if we have any deficiencies or AARs that
8 would come in, so that would sort of determine how we go
9 from there.

10 MR. LEONE: But assuming that weren't the case.

11 MS. WOLCOTT: Assuming that weren't the case, we
12 would set out the post-filing schedule in or Ready for
13 Environmental Analysis Notice.

14 MR. LEONE: Thank you.

15 MS. WOLCOTT: Sure.

16 MR. MONHEIT: I'm not sure if this is the
17 appropriate venue to request this, but your scoping study is
18 just for the NEPA document?

19 MS. WOLCOTT: Well, it's for -- so, the studies
20 that they've proposed or that we're soliciting now if anyone
21 has anything additional that they want done, study-wise,
22 which would be at the end of August, so that would inform
23 the development of the license application. That would also
24 inform our NEPA analysis, yes.

25 MS. MONHEIT: I have a comment on the NEPA

1 analysis. Is this the appropriate meeting to make that
2 comment at?

3 MR. HASTREITER: Sure.

4 MS. MONHEIT: The State Water Board would like
5 to request in FERC's analysis, to the extent possible, you
6 address the significance of any impacts that you identify to
7 assist in our CGAD, California Government Aquatic Document,
8 that we will be lead agency for. Then we might be able to
9 tier off the NEPA document with a much smaller -- the CGAD
10 document would take a lot less time. I'm sure SCE would
11 appreciate that as well as the State Water Board.

12 MR. HASTREITER: Sure. And as you're aware, we
13 have an MOU with the Water Board -- you know try to work
14 together on things. And some projects -- and this one seems
15 like a good one because SCE is really trying to work with
16 the agencies upfront and get agreement on studies and
17 impacts, effects, mitigation, so this would most likely be a
18 good project where we could work together and get a NEPA
19 document that you could use and SCE could use as well. Yes.

20 MS. MONHEIT: Thank you.

21 MR. ANDERSON: Just going back a little bit to
22 the question about bacteria (inaudible) and the scope of
23 that study, we've been working with the Water Board staff on
24 the scope and the study area for that and had thought we had
25 reached an agreement on focusing on private reservoirs and

1 private recreation the level of effort associated with --
2 has been the (inaudible) for that study, in addition to some
3 of the challenges in transit time in terms of take bacteria
4 samples and getting them to a qualified lab. Make that a
5 significant study of adding stream reaches at the baseline.
6 I question whether or not it's warranted, but would have to
7 have continuing conversations with the Water Board to see if
8 it's necessary. I'm not aware of data that shows that
9 there've been problems with stream reaches and contamination
10 in the stream reaches, so I just open the conversation and
11 just wanted to mention that the additional reaches and level
12 of effort associated with that is really worth discussing.
13 So, thank you.

14 And then, also, if I could just talk about the
15 waiver process and answer any questions. Ideally, we'll
16 come in with a revised study plan that addresses everybody's
17 needs and (inaudible) that have been identified in the
18 Scoping Document. I could foresee asking -- you know
19 holding back a study if we're still working on an issue and
20 getting rated on everything, except that study; but I think
21 we're going to get there with all the studies. And the
22 intent would be -- I'm hopeful that the stakeholders will
23 file their comments and their supporting letters
24 independently, but we'd also like this -- we'll strive to
25 collect letters in advance to file with waiver determination

1 or with a waiver request. Specifically, we'd be asking for
2 waivers that would enable us to accelerate a study plan
3 determination. The rest of the downstream schedule, once
4 the determination is made, isn't really affect, except for
5 the dates of the initial study plan or the initial study
6 plan meetings or the initial result meetings and we look for
7 those dates to (inaudible) the determination, but for the
8 rest of them I think would be the same.

9 MS. WOLCOTT: Alright, any additional comments
10 on questions on the study request and comments? Again,
11 those are due August 29, not to hammer the point too much,
12 but just want everyone to be aware of that due date.

13 MR. LEONE: Speaking of due dates and questions,
14 on the Appendix E-1, there is a call out to the BLM and
15 Forest Service and I don't know if it references a study
16 (inaudible) for a Footnote 1, but I don't know what that
17 means. Can you guys clarify what that means or is that a
18 typo or something?

19 MS. WOLCOTT: That might be a typo. I'm not
20 sure.

21 MR. LEONE: Are you anticipating a study dispute
22 from the Forest Service and BLM?

23 MS. WOLCOTT: That might be a placeholder, like
24 you know if there are any.

25 MR. LEONE: But that would be inclusive of all

1 stakeholders, not just the Forest Service and BLM.

2 MS. WOLCOTT: That might be Forest Service and
3 BLM because of federal lands.

4 MR. HASTREITER: Mandatory conditioning
5 authority.

6 MS. WOLCOTT: Mandatory conditioning authority.

7 MR. LEONE: Anyone can file a study dispute.

8 MS. WOLCOTT: Correct.

9 MR. LEONE: So, it involves all stakeholders. I
10 just don't know why we were called out specifically and
11 that's my question.

12 MS. WOLCOTT: I'm not sure either. That might
13 be a typo or it might've been just because you guys
14 specifically are a conditioning authority for like federal
15 lands.

16 MR. LEONE: But there are other agencies that
17 have conditioning authority.

18 MS. WOLCOTT: Well, I meant like 4-E, mandatory
19 conditions.

20 MR. LEONE: Understood.

21 MS. WOLCOTT: Okay.

22 MR. LEONE: I'm just wondering if there was any
23 significance to that.

24 MS. WOLCOTT: I don't think so. Thank you.

25 MR. HASTREITER: It's probably a standard

1 footnote and either a footnote got lost or that one
2 should've been there.

3 (Laughter)

4 MR. HASTREITER: Someone missed it. But there's
5 no diabolical scheme there.

6 MR. LEONE: No, I understand that.

7 MR. HASTREITER: Alright.

8 MS. WOLCOTT: Alright, so Section 7 covers our
9 EA preparation. At this time, we're planning a single EA,
10 but, of course, we we're open to comments on that as far as
11 what NEPA document and draft or final. So, if anyone wants
12 to speak to that now or file that in their written comments,
13 you're more than welcomed to.

14 Section 8 is the proposed EA outline, which is
15 basically just what the Table of Contents would be and all
16 the areas that would be covered in our NEPA document.

17 Section 9 is a list of comprehensive plans that
18 we have identified that FERC currently has. They're
19 FERC-approved comprehensive plans that we felt were relevant
20 to the project. If there are others or if there are updated
21 plans, please feel free to file them with us for approval
22 and we will be happy to add those to the list.

23 Does anyone have any questions on Comprehensive
24 Plans?

25 (No Response)

1 MS. WOLCOTT: Alright, Section 10, we've
2 included what we have as -- oh, do we have a comment?

3 MR. LEONE: No, I'd rather have sidebar
4 discussion. So, I don't know if it's officially included,
5 but because of this weird aspect of this particular project
6 (inaudible) there's some weird gray areas. Just to point
7 out that we have one feature outside of (inaudible) that's
8 not specifically called out is (inaudible) Lake and I don't
9 know if we need to include the John Muir Wilderness
10 designation as part of the comprehensive plan.

11 MS. WOLCOTT: I will have to see if we have
12 that. We might have it. If not, if you could put that -- I
13 mean it's a verbal comment in the transcript, but if you
14 could provide a written comment and then maybe -- well, I
15 don't if it's worth them -- I mean I can always get back to
16 you and let you know if we have it and we just didn't know
17 to include it on our list.

18 MR. LEONE: We can file it, but I guess just is
19 the point is just to clarify that that is one thing that we
20 would probably add to this list.

21 MS. WOLCOTT: Good deal. Oaky, that'll work.
22 Thank you.

23 So, Section 10 is the official mailing list, as
24 we have it right now, for the Bishop Creek Project. If
25 you're on it and don't want to be on it or if you want to be

1 added to the mailing list, there's directions on how to do
2 either of those through FERC.

3 Are there any questions on the mailing list?

4 (No Response)

5 MS. WOLCOTT: And then Appendix A, again, is the
6 study plan criteria and there's a more detailed guidance on
7 our website. Does anyone want to go through the study plan
8 criteria or is everyone pretty well versed and familiar with
9 that? I'm happy to do either.

10 (No Response)

11 MS. WOLCOTT: Okay, well, unless there are any
12 other -- okay, we have some more comments coming in.
13 Excellent.

14 MS. IRONS: Sheila Irons, from the Forest
15 Service, I-r-o-n-s. And I was just looking at the mailing
16 list. You have (inaudible) manager. He is long gone.

17 MS. WOLCOTT: Okay.

18 MR. IRONS: Would it be you, Diane, or me?

19 MS. WOLCOTT: Yeah, so if you could submit that
20 update with the appropriate contact information because
21 that's through -- I can't update the mailing list. That's a
22 different department. So, I mean it's noted.

23 MS. IRONS: Is that just for the E-comment?

24 MS. WOLCOTT: I think you have to submit it to
25 FERC online support.

1 MS. IRONS: Okay.

2 MS. WOLCOTT: I think you can say like -- I
3 think you can submit a letter to the Secretary of FERC
4 Online Support, saying here's the current contact. Please
5 update, to remove this person, and replace with these
6 contacts.

7 MS. IRONS: Okay, thank you.

8 MS. WOLCOTT: Sure thing.

9 MS. MONHEIT: With respect to Section 9,
10 Comprehensive Plan, I would like to have added to this list
11 the State Water Resource Control Board Monponsett Basin
12 Plan.

13 MS. WOLCOTT: Okay. I'd have to check and see.
14 If it's not one that we currently have and we just didn't
15 realize, that would have to be submitted to us and approved,
16 like we just can't just add it to the list now.

17 MS. MONHEIT: Okay, so we can submit that with
18 our written comments?

19 MS. WOLCOTT: Yes, ma'am.

20 MS. MONHEIT: Thank you.

21 MS. WOLCOTT: You're welcome. Any other
22 comments, questions, or concerns.

23 MR. HASTREITER: I wanted to follow to Tristan's
24 question about our footnote in the schedule.

25 MS. WOLCOTT: Did you have an epiphany on that?

1 MR. HASTREITER: A little bit. So, only
2 mandatory conditioning agencies can request a dispute and
3 get into a dispute resolution process at that point in our
4 process. So, it can only be BLM, the Forest Service, or the
5 Water Board.

6 MR. LEONE: No Fisheries, no Wildlife.

7 MR. HASTREITER: No, only agencies that have
8 mandatory conditioning authority.

9 MR. LEONE: (Inaudible).

10 MR. HASTREITER: It is.

11 MR. LEONE: (Inaudible).

12 MR. HASTREITER: Right. You're right. Yes, so
13 that should be included. I'm sure the foot note -- I think,
14 if I recall, the footnote says "mandatory conditioning
15 agencies" has that authority.

16 MR. LEONE: I'm not suggesting we go there. I
17 was just (inaudible).

18 MR. HASTREITER: Yes, okay. I just wanted to
19 clear that up.

20 MS. WOLCOTT: Thank you, Jim. Thanks for that
21 clarification.

22 Well, if we don't have any other questions or
23 comments or anything, I think we can wrap up and adjourn.

24 So, I'll do a last call on any comments,
25 questions, or concerns. And again, the deadline for filing

1 comments and study requests is when?

2 UNIDENTIFIED SPEAKER: August 29.

3 MS. WOLCOTT: August 29, there we go.

4 MR. LEONE: Last question -- and this is for the
5 benefit of all the groups that are here.

6 MS. WOLCOTT: Sure, absolutely.

7 MR. LEONE: So, as we like to call them, the
8 seven deadly sins for studies criteria, (inaudible) do they
9 address this criteria? And then if those criteria are not
10 address as part of their filing, would FERC automatically
11 reject it because they didn't address the seven criteria?

12 MR. HASTREITER: Well, they should address the
13 seven criteria.

14 MR. LEONE: Right, I know. So, there's that
15 technicality issue.

16 MR. HASTREITER: Well, typically, we get
17 applicants that come in if they're not in agreement in
18 particular, and if they didn't address a criteria,
19 applicants typically point that out and there's a likelihood
20 it could get rejected just because of that. But if there's
21 a strong nexus -- you know all the others -- if we can
22 figure out on our own, we'll try to address them, but if we
23 don't have the information to do that there's a potential it
24 could be rejected just because of that.

25 MR. LEONE: And I only ask that because it's for

1 everyone benefit because my assumption or understanding was
2 that if we came to an agreement there would be a joint
3 resolution rather than just saying these are the things we
4 are requesting that may or may not include all the seven
5 criteria listed out in the study because of the way in which
6 the Commission has acted in the past. Oftentimes, you can
7 see certain studies rejected based purely on a
8 technicality. And so the question then gets posed do we
9 need to address each and every single one of those things in
10 the filing.

11 MS. WOLCOTT: That I'm not sure because I mean
12 if there's a mutual agreement among the stakeholders I mean
13 --

14 MR. HASTREITER: I mean we've turned down
15 studies before that have nothing to do with the project.

16 MR. LEONE: I'm not asking about that. It's
17 more like if we don't even list the seven criteria or one of
18 the -- like we don't address any of that how does FERC
19 accept that when it doesn't follow their procedures?

20 MR. HASTREITER: We're going to have trouble
21 with it. You know I'll be honest.

22 MR. LEONE: Okay, that's good to know because
23 that helps everyone here.

24 MR. HASTREITER: And maybe there's a general way
25 to do it that if won't take as much work if you do have an

1 agreement.

2 MS. WOLCOTT: Right.

3 MR. ANDERSON: Yes, I mean the way our study
4 plans are structures, the agreement is all set up to follow
5 that criteria that FERC puts out. I will say that in some
6 cases, as the Applicant and the author, I mean some of them
7 struggle in writing study plans to describe the appropriate
8 research agency rational and specific objectives because
9 sometimes that, for a lack of a better word, agency speak
10 that we needed help with. But I think the elements are
11 there and I think as long as we're in agreement we wouldn't
12 anticipate the Commission to have issues parsing out the
13 criteria, a level of effort in one criteria we're missing
14 from the graph is going to be added. When we submit them we
15 have actual budgets and we sort them out, so there's some
16 information that we'll add.

17 And I would just say if there's a request that
18 the agencies would like, but we know we're going to have
19 trouble with coming to an agreement it would really benefit
20 everybody if those criteria were clearly articulated so it
21 helps us all get on the same page, but I wouldn't anticipate
22 you're going to have issues with what we've provided to you.

23 MS. WOLCOTT: And there's also -- I mean FERC
24 staff is going to weigh in on these too and either tiering
25 off what is before us. There's also what role FERC plays in

1 this too. So, we could be like, well, you almost get there
2 with this study, so here are our comments. So, there's a
3 part that FERC could play in this too in ultimately coming
4 to the determination, so yeah. But I think having some
5 agreement with the stakeholders would be a fairly good
6 endorsement of the study plans too.

7 MR. HASTREITER: Yes, you probably don't have to
8 go into great detail.

9 MS. WOLCOTT: Yes.

10 MR. HASTREITER: It could be one-liners for the
11 most part, if there's an agreement.

12 MS. WOLCOTT: Yes.

13 MR. HASTREITER: And we see those where they
14 come in, there's an agreement, they still address them, but
15 it's just a one-liner versus a long, involved description,
16 if there is a disagreement. You know we have to address
17 them in our determinations as well.

18 And you know we haven't talked about it, but
19 even with the waivers I would assume we would still have to
20 issue a study determination letter. I don't think we would
21 waive that. And it's going to be fairly short if there's an
22 agreement. Typically, it's the table and we list in the
23 cover letter that they've agreed to all these studies and
24 we're on board, go forth, and do studies.

25 Did you talk about that with Tim at as part of

1 the determination?

2 MS. WOLCOTT: Not as yet because we haven't
3 gotten a waiver request or anything like that, so we're
4 proceeding as normal for right now until we have something
5 before us that we need to discuss. So, yes, I mean unless
6 there are any other comments or questions, I will say
7 comments are due the 29th of August, one more time, August
8 29.

9 And with that, I thank you all for coming out.
10 And for those of you who traveled a long way to get here,
11 safe travels getting home and we look forward to hearing
12 from you. Thank you again. Have a good day.

13 (Whereupon, the meeting was concluded.)

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1 CERTIFICATE OF OFFICIAL REPORTER

2

3 This is to certify that the attached proceeding

4 before the FEDERAL ENERGY REGULATORY COMMISSION in the

5 Matter of:

6 Name of Proceeding:

7 Bishop Creek Hydroelectric Project

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17 Docket No.: P-1394-080

18 Place: Bishop Creek, CA

19 Date: Wednesday, July 31, 2019

20 were held as herein appears, and that this is the original

21 transcript thereof for the file of the Federal Energy

22 Regulatory Commission, and is a full correct transcription

23 of the proceedings.

24

Myron Tesfaye

25

Official Reporter