

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

BIRCH POWER COMPANY PROJECT NO. 13102-003

AGENCY SCOPING MEETING

DEMOPOLIS LACK AND DAM HYDROELECTRIC PROJECT

THURSDAY, MARCH 26, 2015

9:00 A.M. (CST)

DEMOPOLIS CIVIC CENTER
501 N. COMMISSIONER'S AVENUE
DEMOPOLIS, ALABAMA 36732

COMMISSIONER: JENNIFER L. LANDRUM

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

2 MR. PEER: All right. Well, thank
3 y'all for coming to the agency scoping meeting for
4 the Demopolis lock and dam hydroelectric project.
5 my name is Adam Peer, and I'm the coordinator for
6 this particular project, and I'm with the Federal
7 Energy Regulatory Commission. I just want to let
8 you know that we do have some copies of the
9 scoping document down here on the table -- up here
10 to be y'all's right-hand side. If you want a
11 copy, feel free to take one. That will be your
12 copy. We also have some pamphlets related to
13 FERC-related issues there if you want to take a
14 copy of that -- of that as well. If you have not
15 signed in, you don't have to sign in now, but
16 please remember to sign in before you leave.

17 So we'll get started. This is the
18 agenda I'd like to follow today. I'll just go
19 over some introductions. I'll go over a brief
20 overview of the traditional licensing process,
21 which is the process that Birch Power will be
22 using here and the anticipated schedule for that
23 particular process. I'll also be going through an
24 overview of the scoping process and then Birch
25 Power will provide a project description.

1 I will overview some of the resource
2 issues that we've identified in the scoping
3 document. I'll look at those briefly and then
4 I'll look at some information or let you know the
5 types of information that we're looking for during
6 the scoping and then some of the procedures for
7 making comments, written comments or oral comments
8 today.

9 And so just for some brief
10 introductions, again, my name is Adam Peer. I'm
11 the coordinator for this particular project. I'll
12 be in charge of the aquatic resource issues,
13 terrestrial issues, threatened/endangered species.

14 Michael Spencer is also here today.
15 He's in charge of engineering and the
16 developmental resources. Patty Lepert who is not
17 here today, she's in charge of recreational and
18 land use and cultural resources. And then
19 Elizabeth Blaug is our attorney on the project.

20 And so I'd like to see if we could go
21 around and let everybody introduce themselves,
22 their name and organization is fine, if you want
23 to start here.

24 MR. DAVIS: William Davis,
25 Georgia-Pacific in Pennington, Alabama,

1 environmental manager.

2 MR. MCAULEY: Roy Mcauley, executive
3 director of the Alabama Pulp and Paper Mill.

4 MR. HALL: Daniel Hall, Georgia-Pacific
5 in Pennington, Alabama.

6 MR. SORENSON: Ted Sorenson, Birch
7 Power.

8 MR. GOODWIN: Demopolis hydro, Scoot
9 Goodwin.

10 MR. JOSTEN: Nick Josten, Birch Power.

11 MS. GOAR: Taconya Goar, Alabama
12 Department of Conservation and Natural Resources,
13 environmental affairs coordinator.

14 MR. BROCK: Justin Brock, Alabama
15 Wildlife and Freshwater fisheries.

16 MS. GUNTER: Donna Gunter, wildlife and
17 freshwater fisheries.

18 MR. JOHNSON. Chris Johnson, ADEM.

19 MR. FELDMAN: Chuck Feldman from
20 Washington D.C.

21 MR. HURST: Harris Hurst from Rocktenn
22 Demopolis.

23 MR. BAKER: Wayne Baker, Rocktenn
24 Demopolis

25 MR. MOORE: David Moore, ADEM out of

1 Montgomery, Alabama.

2 MR. PEER: All right. Thank you very
3 much.

4 And so just to briefly go over some of
5 the meeting procedures, as I mentioned before,
6 please sign in. Any time, ask any clarifying
7 questions as we go along.

8 When you're speaking, again please state
9 your name and your affiliation. Spell out any
10 names that may not be familiar to the court
11 reporter, including your own name. Define any
12 acronyms that you use when you're making comments.
13 Please talk one at a time. And any written
14 comments can be submitted to the court reporter
15 today or you can file -- file written comments as
16 well or e-file those comments to FERC by April
17 25th.

18 And so again, I wanted to go over just
19 briefly the traditional licensing process, which
20 is the process that Birch Power will be using --
21 or is using. I'm just going to highlight some of
22 the key dates here just to keep this fairly simple
23 and straightforward. We accepted the application
24 that occurred October 28th of 2014. So just last
25 fall we accepted the application. The scoping

1 notice and scoping document, we issued that just
2 recently February 11th of 2015. Obviously today
3 we're here for the scoping meeting. We anticipate
4 that the scoping document too will be issued
5 around June of 2015. And then the notice
6 requesting terms and condition in our REA, we're
7 anticipating that will be around October of 2015.
8 And then our EA, we're anticipating to issue that
9 sometime around April of 2016. So that's the
10 general schedule and order of events for the
11 traditional licensing process for this project.

12 Again, we're here today for this scoping
13 meeting and the scoping process. And just to
14 review some of the purposes of scoping, scoping is
15 driven by NEP, the National Environmental Policy
16 Act, FERC regulations and other federal regulatory
17 requirements. The process helps us encourage
18 participation of state, local agencies, and Indian
19 tribes and other interesting persons. It also
20 helps us identify significant environmental and
21 socioeconomic issues related to the proposed
22 action. It helps us determine the analysis and
23 significance of issues to be addressed in EA. It
24 also helps us identify how the projects would or
25 would not contribute to cumulative impacts to the

1 project area. And it helps identify reasonable
2 alternatives to the projects that we should
3 evaluate as well as it helps us eliminate in
4 detailed study the issues and resources that don't
5 require detailed analysis during review of the
6 project.

7 And so now, Birch Power will provide a
8 description -- a project description of Demopolis
9 Lock & Dam Hydroelectric Project.

10 MR. JOSTEN: All right. This will be
11 fairly brief, but if you want me to stop and say
12 more about anything, just let me know. We all
13 know we're sitting right here, somewhere in the
14 bend of the river. The project is downstream a
15 short ways at the Demopolis lock and dam. This is
16 the footprint of the entire project. Most of it
17 happens right here on the river. The long
18 tentacles are the road in and the transmission
19 line out of the project.

20 And I'll go over these various
21 facilities in the powerhouse area, but the thing
22 that's on this map only is the access road,
23 there's a paved road up to about this point.
24 There's a two track, rough sportsman access road,
25 which will improve to get equipment into the

1 project area and then the transmission line will
2 cross the river, follows an existing corridor all
3 the way to the interconnect point. There's an
4 existing line, and we'll just go parallel to that
5 the whole way.

6 Powerhouse area, this is actually --
7 this proposal has been modified somewhat. The
8 hydropart is the same, but our plan for the spoils
9 has changed. Powerhouse, we'll have to excavate
10 an intake channel on the north bank of the river
11 to get the water into the plant, and then we'll
12 excavate the tail race channel all the way out to
13 the main Tombigbee River here to get the water out
14 of the power plant; no modification of the dam.

15 There will be a permanent parking area
16 located on the north side of the power plant that
17 will include an oxygen plant, because we have an
18 -- a proposal to do oxygen injection to aerate the
19 water. The substation will be on top of the power
20 plant, which will be a silo capable of being fully
21 inundated because this river gets quite high. And
22 then we'll take the power across the river and on
23 out.

24 There is a proposal to build a fishing
25 platform. We've shown it at a location that the

1 core had previously planned to build a fishing
2 platform. But I think based on the comments we've
3 received from agencies, the thing we really want
4 to do is build the plant, take a look at the
5 hydraulics when the plant is operating and then
6 choose the fishing platform location at that time.
7 But we're prepared to build a fishing access
8 platform.

9 This is just a kind of a detail of the
10 powerhouse. Be a fairly tall silo-shaped
11 structure. These are all in the license
12 application if you're interested in the
13 engineering.

14 Transmission line, and this is just kind
15 of a scale just so you can see what the range of
16 the size of the transmission lines are. We're
17 sitting right in the middle. The poles will be
18 70-75 feet tall; similar to the poles that are
19 already in place along this corridor.

20 Okay, this is the -- the -- in the
21 original application, we had proposed removing the
22 spoils from the site and storing them permanently
23 on private ground. That has changed. The new
24 plan is to take the spoils and build up an area on
25 the bank of the Tombigbee River. If you've seen

1 this, it floats from the forest down about 30 feet
2 or so at normal water to the river and we're going
3 to build that back up to about what its original
4 elevation was and create about a 20-acre site that
5 will reclaim and -- and restore to a forest
6 habitat. So that's where the spoils will go.
7 There will be a -- an engineered wall on the north
8 side of the tail race channel to hold those soils
9 back.

10 This is just a cross section, vertical
11 -- vertically exaggerated, of this spoils area,
12 retaining wall, and then here's our tail race
13 channel. And this is the existing chalk shelf.
14 And one to one, it's -- it looks like this.

15 So that's new -- it's been submitted as
16 one of the additional information submittal that
17 we made. That's where you'll see the details on
18 this, but it was not in the original license
19 application. And that's just a picture of it, the
20 retaining wall, about at the scale that we're
21 talking about building.

22 The other things that is new, in the
23 original proposal we had proposed building some
24 aquatic habitat areas off the edge of our tail
25 race channel. Well, that's gone away because

1 we've now got a -- a -- the retaining wall there.
2 And so, instead, what we're going to do is use
3 this area below the wetland reclamation area and
4 off to the side of our channel just to restore
5 some sand bar habitat, which seems to be the key
6 habitat type that we're going to affect with the
7 project. We've got to remove a large area of sand
8 to get our water flowing back to the river and
9 we'll put that sand off to the side and -- and try
10 and create some useful habitat. That is detailed
11 in the additional information request, not in the
12 license application.

13 The fishing platform, this is just a
14 conceptual idea of what we me proposed. This was
15 based on a old core proposal. But like I said,
16 comments we got from the recreation agencies is
17 why don't we wait and see what the hydraulics look
18 like and decide where to put the platform then.

19 Summary then, project would consist of
20 improvements to about a 1.2-mile access road that
21 you saw on that fist map. Construction of a long
22 intake channel, 900 feet long intake channel to
23 route water from above Demopolis dam into the
24 powerhouse. Construction of a new powerhouse that
25 would contain two Kaplan turbine generator units,

1 hydraulic capacity would be 20,000 CFS, and the
2 generating capacity is 48 megawatts; so a lot of
3 power.

4 Excavation of a 2,000-foot long tail
5 race channel within the chalk shelf downstream of
6 the dam to get the water back to the river.

7 Substation would be located on top of the
8 powerhouse and transmission line be 115 KV and
9 about 4.4 miles long, existing corridor.

10 The mitigation measures that are
11 proposed is to transport all the construction
12 spoils to the -- our wetlands reclamation site.
13 We'll create about 20.2 acres of new wetland --
14 forest and wetland habitat right there at the
15 site. We'll install an oxygen diffuser system in
16 the powerhouse fore bay, which we can use to
17 enhance the oxygen levels in the water.

18 Install a fishing platform at a location
19 to be determined. There are some endangered
20 muscles that live in the river downstream of the
21 dam. We've got a plan to before we -- before we
22 touch their habitat, we'll -- we'll look for them.
23 We'll relocate them. And then we'll, over time,
24 manage the -- the sandbars downstream of our tail
25 race to try and sustain some habitat for the

1 muscles.

2 We'll upgrade that existing road and
3 improve it and -- and make a little area where
4 sportsmen can park and gain access to that north
5 bank. It's kind of rough access right now. But
6 as part of our road improvement, we'll improve
7 that access.

8 Re vegetate all areas disturbed by
9 construction and then the standards -- procedures
10 for erosion control, oil spill prevention, those
11 types of things will all be done.

12 And that is a brief summary of the
13 project. Any questions?

14 MR. PEER: We can take questions later.
15 I'm going to try to finish up my portion.

16 MR. JOSTEN: All right.

17 MR. PEER: All right. And so getting
18 back to our slides. In terms of the resource
19 issues, we did identify several resource issues,
20 and those were highlighted in our scoping document
21 one. I'm not going to go into any details on that
22 right at the moment. What I did want to focus on
23 here in terms of resource issues is that we didn't
24 determine -- or we determined that there were no
25 issues related to aesthetics or socioeconomics.

1 And we determined that a cumulative effects
2 analysis would necessary and be conducted for
3 water quality. And so we can -- we can talk about
4 any of those resource issues later on when we open
5 things up for comments or if you want to provide
6 written comments.

7 Okay. And so in terms of types of
8 information we're looking for during scoping:
9 We're looking for significant environmental issues
10 that should be addressed and assessed in the
11 environmental assessment. We're also looking for
12 information or data describing past and present
13 conditions in the project area. We're looking for
14 your comments on our scoping document. We're also
15 interested in any comprehensive plans, resource
16 plans and future proposals in the project area
17 that we all know about.

18 And so in terms of the written comment
19 procedure, any written comments can be provided to
20 the court reporter today. You can also write and
21 file in e-mail or rather mail or e-file comments
22 to FERC. And obviously comments can be provided
23 today orally.

24 And so I'd like to open things up for
25 oral comments and any questions that you might

1 have. Just a reminder, again, please state your
2 name and entity that you're with. Spell any names
3 that might not be obvious to the court reporter
4 including your own name. And then again, define
5 any acronyms that you use when making your
6 comments.

7 All right. So we'll open things up for
8 any comments or questions.

9 I'll just start off to try to warm
10 things up for everyone. I'd like to get some
11 information in terms of what is the current status
12 of the aquatic water modeling? Where are we with
13 that?

14 MR. SORENSON: Ted Sorenson, Birch
15 Power. We're -- we've met several times with ADEM
16 and multiple paper mills. In fact, we've got
17 another meeting in the morning.

18 MR. PEER: Today?

19 MR. SORENSON: Tomorrow morning.

20 MR. PEER: Tomorrow morning, okay.

21 MR. SORENSON: And we're working our way
22 through the process. We're exchanging information
23 back and forth, and we're trying to develop a -- a
24 concept where the power plant can go in, and it
25 protects the uses of the local paper mill. We're

1 trying to conserve oxygen through the system is
2 what it comes down to. It comes down to the
3 reserves of oxygen.

4 MR. PEER: Okay.

5 MR. SORENSON: Chris Johnson can make
6 that clear.

7 MR. JOHNSON: Chris Johnson from ADEM
8 here. I think the primary focus of what we're
9 trying to do and work out with the water quality
10 concerns is certainly protect the water quality
11 standards that we have on the river, the oxygen
12 being the primary constituent that we're wanting
13 to make sure that we protect. And then we
14 certainly have numerous permits on the river, in
15 particular where the two pulp and paper companies,
16 we want to make sure that we're being protective
17 of those permits and the capacity and similar
18 capacity that they have already under those
19 permits.

20 Along with the conditions of the permit,
21 we want to make sure that we look at Birch Power
22 coming in that they're not going to create
23 anything that would impact the current allocation
24 there that's given to those two mills. So that's
25 also really important consideration that we're

1 looking at as we go through the process,
2 remodeling and monitoring of things that we're
3 looking at to make sure of that.

4 So tomorrow is really the -- the third
5 meeting we're going to have between Birch Power
6 and Rocktenn and Georgia-Pacific along with our
7 agency to make sure that we're -- everybody is
8 looking for -- looking at the water quality
9 aspects together and make sure everybody is at the
10 table and to ensure that we're, working together
11 and getting through the process so we can -- that
12 the state covers in terms of protecting the river.

13 So we'll be meeting tomorrow in terms of
14 the status, and I think that's what we're -- Birch
15 Power's prepared to provide that update tomorrow
16 morning at that meeting, too, so.

17 MR. PEER: Okay. Is the -- is there a
18 consensus that the two new models approach that's
19 going to be used, is that still up in the air or
20 is there --

21 MR. JOHNSON: Well, I think what we have
22 said in the previous two meetings is that if we
23 feel we can get there through monitoring more so
24 than even the modeling side; modeling can get a
25 bit complicated on the river. But at the same

1 time, Birch Power needs to use the modeling to see
2 if they can meet some ar -- some preliminary
3 numbers that we've thrown out there in terms of
4 some oxygen numbers that we propose. They're
5 looking at a couple of different options to see if
6 they can meet some certain DO limitation that is
7 we -- that we have proposed at certain locations
8 in the river. And so, that's -- that's what
9 they've been doing and working on over the past
10 several months to see if they -- they can even
11 indeed meet some of the DO requirements or DO
12 proposals at this point that we kind of laid out
13 already. And that's what they were speaking to in
14 morning meeting.

15 MR. PEER: Okay. I guess on a related
16 issue, just to clarify, what is the status of the
17 401 water quality certificate application? Is
18 that -- that's been withdrawn; is that correct?

19 MR. JOHNSON: That's correct.

20 MR. PEER: Okay.

21 MR. JOSTEN: Withdrawn and resubmitted,
22 right?

23 MR. SORENSON: We haven't -- we haven't
24 resubmitted yet. We're trying -- trying to get
25 the -- I'll let Chris comment.

1 MR. JOHNSON: Well, we -- that was
2 requested -- what was the date it was originally
3 requested? Do you remember? I don't know.

4 I think it was July -- July of last
5 year. And we requested that withdraw it to make
6 sure that we really had everything worked out on
7 the front end before we -- we got into issues with
8 the water quality certification. And so that's --
9 and they -- at our request, they did withdraw it
10 because you only have that one-year time frame to
11 -- from the time it's -- they sent in that request
12 for O1 service.

13 So we knew that we just didn't --
14 weren't going to get that done, so they did pull
15 it. And hopefully once we get to where you -- you
16 know, collectively where we think we all can --
17 can come to some agreements on and we can get what
18 we need and the certification and they feel like
19 they can meet it, then they're going to submit the
20 request and then we'll go from there.

21 And so it's really more of just work
22 through the technical shows on the -- on the water
23 quality certification on the front end where it
24 was requested, so it's -- that's where it stands
25 and then hopefully we'll -- we'll know more after

1 tomorrow's meeting on where we can go from here on
2 that.

3 MR. PEER: Okay. I guess this
4 question's directed at Birch Power: Have you
5 received any comments on the muscle relocation
6 plan from anyone?

7 MR. JOSTEN: Just to resubmit it. We've
8 received nothing in addition.

9 MR. PEER: Okay.

10 MR. JOSTEN: We have no comments in
11 addition to what we've already submitted, and I
12 think the main stakeholder on that is Fish and
13 Wildlife Service, and I don't -- they're not here.
14 So I have nothing -- nothing more from them.

15 MR. SORENSON: Nothing new.

16 MR. PEER: Okay. Now, do you all have a
17 cost associated with that relocation plan or the
18 plan itself? I know the plan itself didn't have a
19 cost.

20 MR. JOSTEN: We can get one.

21 MR. PEER: Okay. If you could file
22 that.

23 And also, have you received any comments
24 on the entrainment mortality study that was done?

25 MR. JOSTEN: All the comments we have

1 received on all of the studies have been
2 submitted.

3 MR. PEER: Okay.

4 MR. JOSTEN: We've received nothing new.

5 MR. PEER: Okay.

6 Are there any other comments or
7 questions from anyone else? Right now is one of
8 the best opportunities to provide comments on the
9 project. Obviously you can provide written
10 comments, but this is a great opportunity right
11 now to get your voice heard on the scope of the
12 document or other questions.

13 MR. MCAULEY: I presume that the DCNR
14 group is in on the muscle relocation plan or DCNR
15 has an active project on that as well?

16 MS. GOAR: I believe Paul Johnson has
17 that from the Alabama Aquatic Wildlife Center will
18 provide comments on that.

19 MR. MCAULEY: Thank you.

20 MR. BROCK: I'll ask one question.
21 Justin Brock, Wildlife Fresh Water Fisheries. Are
22 y'all going to get with us on what you're going to
23 plant and what kind of species y'all plan on
24 planting on the area y'all are going to reclaim,
25 just bottomland hardwood? Hardwood species or

1 have y'all thought about that yes?

2 MR. JOSTEN: I think -- Nick Josten,
3 Birch Power. I think our re vegetation plan
4 discusses that. We'll consult with -- with you
5 guys on what you wanted to have planted there.

6 MR. BROCK: Okay.

7 MR. JOSTEN: And that's what we would
8 follow.

9 MR. BROCK: Okay.

10 MR. PEER: Well, if there are no other
11 comments, I think we'll close the record and
12 adjourn the meeting.

13 Is that -- is that the case of no
14 further questions?

15 Okay. We'll close the record.

16 (The proceedings were concluded at
17 9:38 a.m.)

18

19

20

21

22

23

24

25