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PUBLIC MEETING

RE:

DRAFT ENVIRONMENTAL IMPACT STATEMENT

MIDDLE FORK AMERICAN RIVER HYDROELECTRIC PROJECT

NO. 2079-069

TUESDAY, AUGUST 28, 2012

7:14 P.M. - 8:02 P.M.

HELD AT:

THE HOLIDAY INN AUBURN
120 GRASS VALLEY HIGHWAY
AUBURN, CALIFORNIA

REPORTED BY: CAROLE W. BROWNE
RPR, CSR NO. 7351

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PANEL MEMBERS

CAROLYN R. TEMPLETON
Environmental Scientist
Federal Energy Regulatory Commission
Office of Energy Projects

DOUGLAS A. HJORTH
Principal Scientist
The Louis Berger Group, Inc.

CAROL EFIRD
Sr. Recreation Land Use Planner
The Louis Berger Group, Inc.

JAY D. STALLMAN
Senior Geomorphologist
Stillwater Sciences

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YUBA COUNTY WATER AGENCY:

Andrew Fecko, Resource Planning Administrator
Ben Ransom, Environmental Scientist

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ALSO PRESENT:

Patricia Gibbs

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1 also used one of our consultant teams from the Louis
2 Berger Group to help us in the majority of preparation of
3 the environmental document, and I will let them introduce
4 themselves as well as tell you what resources they
5 focused on in the document.

6 MR. HJORTH: Yes. Well, good evening. Good to
7 have you here. My name is Doug Hjorth. I'm project
8 manager for the preparation of the NEPA document, the
9 Environmental Impact Statement. I work for the Louis
10 Berger Group. I'm a fisheries biologist by training and,
11 again, coordinated the efforts of the contractor team in
12 assembling all the resource areas that are reflected in
13 the EIS.

14 MR. STALLMAN: My name is Jay Stallman and I work
15 with Stillwater Sciences. I am a geologist,
16 geomorphologist by training, and I worked on the soils
17 and geology and water quantity sections of the EIS.

18 MS. EFIRD: And I am Carol Efird. I'm with the
19 Louis Berger Group and I'm a forester by training, and I
20 worked on the recreation, land use, and aesthetics
21 portion of the DEIS.

22 MS. TEMPLETON: And my role in the FERC side of
23 the EIS was I was a coordinator and then I also focused
24 on terrestrial and threatened and endangered species in
25 the document.

1 And for each FERC staff person that worked with
2 the document, there was a contractor counterpart, so we
3 worked very closely in preparing the document. They did
4 the heavy work for the most part and then someone from
5 FERC worked directly with them to review the resources
6 and review the analysis, so we worked hand in hand on
7 that.

8 The purpose of the meeting tonight is to receive
9 oral and written comments from agencies, nongovernmental
10 organizations, and interested persons on our DEIS, so
11 later on we'll have a time that you can provide oral
12 comments if you'd like, and then there's also, which
13 we'll get into later, a time frame up until October 2nd
14 where you are going to be free to produce written
15 comments and file them if you so desire.

16 It sounds like you've been pretty involved in the
17 relicensing up and to this point, so I'm just going to
18 touch on a couple of key milestones that sort of led us
19 to where we are today.

20 Back in December of 2007, Placer County filed
21 their pre-application document, which the Commission
22 often refers to as the PAD.

23 In March of 2008, we had scoping meetings out here
24 in Auburn, and that's where we heard from everybody as to
25 what issues are really important in the area and really

1 important to the various stakeholders so that we could
2 focus studies and interests in those areas.

3 Then in September of 2010, Placer County filed a
4 draft license application, and after that there was a
5 comment period where stakeholders could file comments on
6 their application, and FERC provided comments as well.

7 Placer County filed their final license
8 application in February 2011.

9 And then November of 2011, Placer County filed
10 what was considered an Alternative 1, which was a
11 supplemental filing, and the request was that the
12 Commission look at that as a new project alternative,
13 sort of in addition to the ones that we typically do.

14 And because of the nature and size of the filing,
15 the Commission issued a letter in February 2012 which
16 waived the integrated licensing process regulations, and
17 you know that those call for very strict timelines of
18 certain things to be met, and so we waived those
19 regulations and provided a revised relicensing processing
20 schedule so that we can make sure that we have enough
21 time to adequately evaluate Alternative 1 and incorporate
22 that into the Draft Environmental Impact Statement.

23 And that brings us to about where we are today.
24 On August 3rd, the Draft EIS for the Middle Fork American
25 River Project was issued. And you may have noticed on

1 FERC's eLibrary website that when we actually issued it,
2 it was July 23rd, but because the Environmental
3 Protection Agency is sort of the issuer of all
4 environmental impact statements proceeding, they're
5 technically the ones that provide that for the public, so
6 just because of the way their schedule and issuance goes,
7 it usually happens about a week to two weeks after we
8 release the document. So going forward, all comment due
9 dates are based off of this August 3rd date and not
10 necessarily when FERC issued the document.

11 And that brings us to tonight, August 28th, where
12 we're having public meetings. And you're the only one
13 here.

14 MS. GIBBS: I can't believe it. I almost didn't
15 come.

16 MS. TEMPLETON: So just going through a couple of
17 bases for how we came to our analysis and our conclusions
18 in our document, obviously, we are under the obligation
19 of the National Environmental Policy Act, which requires
20 the Commission to conduct an independent analysis of
21 environmental and developmental issues.

22 Our analysis considers various resource areas such
23 as geology and soils, water quality, water quantity, fish
24 and wildlife, recreation, land use, aesthetics, cultural,
25 socioeconomic and other nondevelopmental values. And we

1 also try to weigh that equally with electric energy
2 production and other developmental values.

3 We give strong consideration to environmental
4 measures developed in a collaborative setting and terms
5 and conditions provided by resource agencies, so in this
6 regard the Alternative 1 which was submitted by Placer
7 County obviously was developed in collaboration with
8 other stakeholders, especially the Forest Service, so we
9 did look at that and gave that strong consideration.

10 And obviously, we do have two National forests
11 involved in this project, so the terms and conditions
12 provided by them we looked at as well.

13 And our conclusions and recommendations are based
14 on the public record for this project. And as I said,
15 eLibrary contains everything that has happened on this
16 project back from who knows how long, so we take into
17 account all the comments, all the filings, all the
18 issuances that have happened up and to this point
19 regarding the project and we try to incorporate them as
20 best we can into our environmental document.

21 For this Draft EIS we had four alternatives that
22 we considered. The first one was a proposed action
23 alternative, which is basically Placer County's proposal
24 for relicensing the project; we had the staff
25 alternative, which is Placer County's proposed action

1 with the Commission's modified or additional
2 staff-recommended environmental measures; and as I
3 mentioned, we have Alternative 1, which was filed by
4 Placer County and included most of the other agency
5 environmental measures; and then we typically analyze a
6 no-action alternative, which would be not relicensing the
7 project at all and how that would impact the environment
8 as well as environmental resources of the area.

9 I know that you were interested in providing
10 perhaps verbal comment, so at this time I'd like to open
11 up the floor to you to provide for the record whatever
12 you would like to say, and, you know, going off that, we
13 have a dialogue, if necessary, and we sort of go from
14 there.

15 MS. GIBBS: Okay. I have one question. My
16 interest is in the peaking reach below Oxbow in the
17 Auburn State Recreation Area. It's an area that's filled
18 with trails, roads, et cetera, and it's used by a million
19 people a year. I think there's maybe 40,000 whitewater
20 boaters. The rest are trail users, swimmers, et cetera.
21 It's a highly valued area, especially locally.

22 The trails in that area have existed in part for
23 over a hundred years, prior to the first license
24 issuance. And the flows down the peaking reach and daily
25 fluctuation of flows can impact people that are trying to

1 cross those trails and can impact the trail system as
2 well as just impact swimmers and people that are enjoying
3 the side of the river. They can create safety problems
4 and strandings.

5 One question I have, and I'll bring up something
6 else, but just off the cuff, I did want to know about the
7 impact, if any, of the pump station draws down at the
8 very south end of the river, the pump station for water
9 supply. And those draws that they take out of that pump
10 station have to be met.

11 What I want to know is, when those draws occur, do
12 they occur when electric rates are at their lowest, so
13 that would mean that the minimum flows would typically be
14 occurring down river, you get down to the pump station,
15 now they've got to make up for that draw in order to keep
16 the minimums flowing.

17 So theoretically they would have to be adding --
18 supposedly, to pump a hundred cfs to the water supply,
19 they would have to be adding a hundred over that minimum
20 flow. So the timing of that pumping could affect the
21 analysis of the minimum flows if this pumping for water
22 supply occurs when power is at its cheapest.

23 So that's a question that I had, since I didn't
24 see it discussed anywhere in the document.

25 MR. HJORTH: Are you referring to the minimum

1 flows downstream of the pumping station?

2 MS. GIBBS: The minimum flows throughout the
3 project, below Oxbow, don't they have a 75 right now and
4 it will be --

5 MR. HJORTH: There are some minimum flow
6 requirements from Oxbow certainly to the -- well, below
7 Oxbow.

8 MS. GIBBS: All the way to Folsom, as I understand
9 it.

10 MR. HJORTH: And so I'm trying to understand your
11 question a little better. When you say minimum flows and
12 pumping rates and the need to make up for those flows
13 that are being pumped, it could sound like if the minimum
14 flow downstream of that pumping station is what we're
15 trying to maintain, that's a non-hydro project minimum
16 flow. There are no -- I'm not aware of any license
17 requirements for minimum flows downstream of the pumping
18 station, so -- which doesn't mean there aren't any.
19 There probably are. It's just not part of our domain
20 that we get into.

21 MS. GIBBS: Okay. I'll try to be clearer.

22 MS. TEMPLETON: Unless you're referring to is
23 there minimum flows upstream of the pump station that
24 need to be increased because there's a withdrawal from
25 the pump station below, so you have to --

1 MS. GIBBS: That's correct. That's what I'm
2 referring to. The minimum flows at Oxbow would have to
3 be added to in order to offset the amount of -- you know,
4 in order to maintain the minimum flow of the river where
5 you pull it out at the pump station.

6 MS. TEMPLETON: If you don't mind, I think I'll
7 ask Placer County to address the electric rate part of
8 it.

9 MS. GIBBS: Yeah, maybe he can explain it.

10 MR. FECKO: Yeah. Andy Fecko, Placer County Water
11 Agency.

12 As Doug mentioned, the pump station's obviously
13 not part of the FERC 2079 project here. It is part of
14 our water rights for the Middle Fork American River
15 project. It supplies water to the people of western
16 Placer County.

17 We can -- at the current time we can move about
18 100 cfs from the river there. It's in our water rights
19 from the State Water Resources Control Board.

20 The minimum below the pump station is 75 cubic
21 feet per second, and we can meet that minimum with flows
22 from the North Fork American River, which is a tributary
23 to the Middle Fork that comes in about 17 miles, maybe
24 more, below Oxbow powerhouse, and so the flows that are
25 in the North Fork are available to meet the minimum at

1 the pump station.

2 So except for the very driest years, the minimums
3 below the pump station are met by the minimum midstream
4 flows released from Oxbow plus the natural flow in the
5 North Fork American River.

6 MS. GIBBS: Now, the 75 below the pumping station,
7 will that change with this new license?

8 MR. FECKO: No.

9 MS. GIBBS: No.

10 MR. FECKO: The minimum flow below the pump
11 station is in our water rights in the state of
12 California.

13 MS. GIBBS: Okay. So that is not a minimum for
14 this pump station.

15 MR. FECKO: No. The minimum for this project is
16 measured at Oxbow gage, which is approximately one mile
17 downstream of the Oxbow powerhouse.

18 MS. GIBBS: Okay.

19 MS. TEMPLETON: And is the pump station part of
20 this project?

21 MR. FECKO: No.

22 MS. TEMPLETON: Okay.

23 MR. FECKO: No. The last -- the last project
24 appurtenant is Oxbow powerhouse. The FERC project
25 boundary ends maybe a hundred yards downstream.

1 MS. TEMPLETON: So it sounds like any water
2 withdrawal from the pump station as well as any minimum
3 flow below that will not be part of this relicensing at
4 all.

5 MS. GIBBS: Okay. That answers that. Thank you.

6 MS. TEMPLETON: Okay.

7 MS. GIBBS: All right. Well, I hadn't expected to
8 speak publicly.

9 MS. TEMPLETON: Well, let me clarify. You're not
10 required to. This is another avenue that we use to
11 collect comments. Don't feel that you have to. You're
12 more than welcome to just provide written comments if you
13 so desire during the comment period. So I don't want to
14 put you on the spot.

15 MS. GIBBS: I appreciate that.

16 MS. TEMPLETON: But you're put on the spot because
17 you're the only person here, so I'm talking directly to
18 you.

19 MS. GIBBS: I can't believe that. I just can't.

20 MS. TEMPLETON: We also expect you to sing
21 afterwards.

22 MS. GIBBS: Yeah. You know, I just -- I want to
23 say that I do appreciate this system. And this is not an
24 effort to unwind the system, the dams, the water supply,
25 the electric, or anything else. I totally value this

1 system. And my interest is not in upping their liability
2 or exposing it any greater, but I do think there are
3 safety issues in the peaking reach. Now, I know I'm not
4 talking about the project facilities. I'm talking about
5 from Oxbow down. I'm talking about the Auburn State
6 Recreation Area.

7 And my belief is that the DEIS conclusions on the
8 impact of the trail crossings are not accurate, because
9 those high flows shown as crossable and used in the
10 analysis are not based on conditions in the river. No
11 field studies occurred in the river. We didn't go out
12 and do a walkabout and check it very close.

13 And one of the problems, as I understand it, is
14 the flows at people level are very different than the
15 flows at electric generation and water supply levels.
16 But my interest is those small flows at human scale
17 level.

18 No field studies occurred. And, in fact, PCWA
19 stated they were not performed because flows over 350 cfs
20 would impose unacceptable risk to study participants.
21 And that's in the record as part of the technical working
22 group document.

23 All the high flows that they've analyzed as
24 crossable are over 350 cubic feet per second. These high
25 flows should not be used in crossing opportunities

1 analysis for this river. As they have been deemed to
2 pose an unacceptable risk to study participants, they
3 would pose the same risk to the average recreationist in
4 this river system.

5 I know that there are individuals out there that
6 could cross at higher levels, but I'm talking about the
7 average recreationist out there that isn't trained,
8 doesn't understand the concept of strainers, rapids, and
9 walking in high-velocity water or deep water. I'm
10 talking about the average recreationist.

11 They used a 35-year-old chart that compared
12 velocity and depth. It was prepared for rivers in
13 New Zealand. It had nothing to do with this river. It
14 only compares velocity and depth. It doesn't analyze how
15 wide the crossings are, what the water temperatures are.
16 It doesn't analyze how close rapids or strainers are.

17 So it is my belief that those high crossing
18 thresholds that they've used in the analysis should not
19 be the basis for the decision about the impacts to
20 crossings and the trail system.

21 The chart that they used is a rule-of-thumb chart.
22 Maybe some of the people have heard of it. Velocity
23 times depth is ten or less. The Mammoth Bar high flow
24 exceeds 350, as I've already said, but, in fact, it's
25 11.4. It exceeded the rule of ten. This one should be

1 thrown out as crossable, still using the analysis. I
2 don't think it's appropriate.

3 The low flow has been characterized as easy. None
4 of these crossings are easy. They're doable, and a lot
5 of people can and do cross them; however, they don't plot
6 in any level on the easy scale in the document of record.
7 And I do have a written document I can provide. They
8 plot on the moderate scale. None of them plot on the
9 easy scale.

10 Also, in places they used the term, with regard to
11 depth and velocity, the term "preferred." Nobody in the
12 focus group addressed "preferred" flows at the high
13 flows, and basically the "preferred" is one of the
14 references that's continually used in that 35-year-old
15 chart. I just didn't bring it. I didn't think we'd be
16 going through this.

17 So I'm asking that this data be reanalyzed -- you
18 have the information before you -- using the lower
19 threshold crossing information.

20 I ask that it be analyzed specifically for the
21 high recreation you see in the summer and fall, not be
22 brought across the whole year.

23 They're trying to basically bring in hourly
24 effects on a daily basis, and it's been strung out over a
25 whole year, and I don't think that's the best way to

1 develop or make averages be a realistic value. So I
2 would like to see them be fall/summer evaluated, the low
3 flows.

4 Also, in fall they have their October outage, and
5 they have spread that over a 90-day period in hourly
6 analysis of crossing opportunities.

7 When you take this, you know, basically outage
8 with its absolute minimums and you spread those across
9 the 90 days, I think they're skewing the results, and
10 again, it skews the averages.

11 So I'm asking that they take that, establish that
12 as an outage with certain minimums that they indicate are
13 crossable, however much time it is, that's fine and it's
14 fair, but don't do it over such a long span of time.

15 The new project is going to have a multitude of
16 higher minimum flows. Right now, as I understand it, out
17 of Oxbow the minimum flow is 75 cfs. The new minimum
18 flow out of Oxbow would be 150 on up, depending on the
19 water year type. So it's going to change the situation
20 for recreationists down there and it's going to change
21 the impacts to swimmers and so on and so forth.

22 So what I would ask is that there be an additional
23 analysis maybe by an independent party or somebody that
24 can look at the statistics, because I do think they're
25 not accurate, and I think that they should be looked at a

1 little more closely to really analyze the effects for
2 these recreationists.

3 Okay. I'm almost done.

4 MS. TEMPLETON: That's fine.

5 MS. GIBBS: Okay. To reduce the effects that I
6 feel are on somebody who's here . . .

7 MS. TEMPLETON: No, you're not so lucky. It's
8 still just you.

9 MS. GIBBS: You can't know how funny that is to
10 me.

11 Anyway, I would like to see them provide an onsite
12 river stage gage or some other infield reference at key
13 points in the peaking reach based on State Parks'
14 recommendations where they've had problems with
15 strandings or public safety issues.

16 And, you know, and I don't know what a gage is. I
17 mean just some physical thing that indicates, hey, look,
18 the water's going up; hey, look, it's going down. Some
19 simple thing that would help.

20 I request that in their website and their
21 brochures State Parks has produced for the new pumping
22 station, kayaking station that PCWA has put in, that they
23 add that there are daily fluctuations based on the dam
24 upstream and that these fluctuations can prevent people
25 from crossing the river. So State Parks writes up it's a

1 great place to go, you can sometimes get down there, most
2 of the time you have to walk 3500 feet, but we leave it
3 open once in a while, and they don't ever mention that,
4 you know, these flows go up and down. And we just had a
5 stranding situation August 4th, I think.

6 So that would be helpful to just include it in the
7 brochures about the access points, include that there are
8 daily fluctuations and also explain the term "cfs."

9 The references that they refer to that there's all
10 kinds of information about our flows is called CDEC,
11 California Data Exchange Center. Well, you go there and
12 all it is is a list of numbers, 24-hour clock, lists the
13 numbers going 235, 278, 292. A thousand cfs could be a
14 trickle or a flood. Average recreationists don't
15 understand that, so they have to in their brochures
16 provide some sort of context.

17 They don't have to -- I'm not asking that they
18 create liability for themselves, but what I'm asking is
19 that in these brochures it says, you know, these flows
20 can be too hard to cross or too deep or somehow they can
21 word it that they indicate that cfs and tie together the
22 context of this river and the width they're dealing with
23 at certain locations, because people don't understand.
24 Whitewater people do, especially once they know the
25 river. Recreationists don't.

1 And I think it's great that PCWA is going to
2 provide realtime and projected flow information. That
3 was a nice addition, I thought, I think FERC asked for,
4 so that people can schedule river crossings. I think,
5 you know, that would really help if people can understand
6 where they can get to and time it.

7 But I do believe the gage is necessary down near
8 the confluence of the North Fork and the Middle Fork.
9 And that one FERC, I think, has tossed out. I believe
10 it's essential to have it down there.

11 Now, maybe not evaluating North Fork flows, but it
12 can evaluate the last end of the Middle Fork flows.
13 Those are peaking flows that come out of Oxbow.

14 The project-related flows affect recreationists in
15 the entire peaking reach. Where the flows are and what
16 time the flows arrive is necessary information to help
17 with crossing, stranding, and emergency response. Their
18 flows affect those peaking reaches. You can't just walk
19 away from them. You can't say, hey, once it's out of
20 that last gate up at Oxbow, we're done with it. And I
21 feel this is very important.

22 This is a 50-year project. It's necessary to get
23 good information about the flows and move down the river
24 in terms of speed and timing. A gage well downstream of
25 Oxbow will help further knowledge about the river over

1 time.

2 Project flows change the river. Information over
3 time can be very useful to all parties. A gage
4 downstream will help refine the realtime information
5 necessary to the public, because what I've seen is
6 there's usually estimates. You know, it all depends.
7 What's the base flow? That will determine what the
8 velocity is. That's going to determine when it gets
9 there. And my guess is it's not all that accurate all
10 the time. And a flow down at the very end of the system
11 might be very, very helpful, and it does relate to the
12 project, in my view.

13 All right. Now I'm talking about, again, the
14 circumstance for the recreation area, but given impacts
15 of the MFP in the past, the trails predated the project,
16 the destruction of Greenwood Bridge due to the Hell Hole
17 failure, we lost a bridge over the river, the identified
18 significant loss in the EIR for the pump station project,
19 that's what they are talking about there, I'm talking
20 cumulative effects. And the project as it will exist
21 with the new license with these higher minimum flows,
22 trail crossings will be further reduced. PCWA should be
23 required to contribute to build a bridge over the river.

24 MS. EFIRD: I'm sorry. Should what?

25 MR. HJORTH: Could you repeat that?

1 MS. GIBBS: I'm sorry. I'm sorry. I'm kind of
2 lost here.

3 Substantially reduced trail crossing opportunities
4 due to higher minimum flows associated with the new
5 license, PCWA should be required to contribute to and
6 build a bridge over the river somewhere in the peaking
7 reach.

8 If no bridge is put in place, then PCWA should be
9 required to directly contribute an increase in State
10 Parks ranger personnel. These flows have drawn much
11 higher number of park users than whitewater boaters over
12 time. The flows have contributed to numerous calls for
13 law enforcement and emergency response. And these costs
14 are greater than any land fees they're paying. The costs
15 have been borne by the county, the state, and the public.

16 PCWA uses this publicly-owned resource and
17 generates very large profits. It's time that PCWA bears
18 the costs of their project.

19 I have two attachments with this letter. I'll
20 just leave it with you.

21 MR. HJORTH: You mentioned some alternative
22 information to what's in some of the reports early on in
23 your comments. At least I thought you did. Is there --
24 I guess what I'm looking for is, do you have information
25 to support your conclusions about the adequacy of the

1 boating opportunities and crossing opportunities in the
2 peaking reach?

3 MS. GIBBS: What I mentioned was that they used
4 two threshold flows to analyze crossing opportunities.
5 The basis for their determination that it was crossable
6 was a 35-year-old chart. They have stated in the
7 technical working group that over 350 would create an
8 unacceptable risk to participants. That is one thing.

9 The other thing is I did comment on the DLA, my
10 comment number two, I did a spreadsheet and I questioned
11 various aspects of the content of their spreadsheet, and
12 at one instance, I think it was dry years, there are four
13 dry years, well, the flows were pretty highly variable.
14 There were still dry years, but they were highly
15 variable. One of them wasn't used. I don't know why
16 not. So depending on which one wasn't used, it's going
17 to skew your averages. Those things I questioned in the
18 DLA in my letter.

19 I came up with, I believe it was, using their
20 numbers, a 12 percent reduction in crossing
21 opportunities, but you'd have to look -- I'd have to look
22 at my spreadsheet. I did provide something.

23 But I didn't throw out -- automatically throw out
24 the high numbers. I would do that had I looked at it
25 more closely, especially given their conclusions about

1 350, the focus group, and no instream test in this river.

2 MS. TEMPLETON: I have a couple of comments,
3 slash, clarifications just to provide for you. It
4 doesn't change anything that you say here this evening,
5 but just minor things.

6 You had mentioned that this would be a 50-year
7 license. That's not necessarily --

8 MS. GIBBS: It's 35?

9 MS. TEMPLETON: It could be anywhere from 30 to
10 50. So again, that's not a major point, but --

11 MR. FECKO: We'll take 50.

12 MS. TEMPLETON: -- just to clarify that.

13 Second, we hear and appreciate your comments. The
14 Commission is also concerned with public safety, whether
15 it's regarding recreation, people going out and
16 aesthetically enjoying the project, so we do hear that.

17 And, you know, one of our roles is to make sure
18 that not only does the project produce electricity for an
19 area in need and produce revenue for a company, but that
20 because they're using the waterway, we want people to be
21 able to benefit from it as much as possible, and with
22 that comes safety concerns.

23 So we do hear and appreciate your comments
24 regarding that, and know that we are also looking at that
25 as part of our analysis because we want to have a safe

1 project for everyone to enjoy.

2 And then, sort of along the lines of what Doug was
3 saying, do you intend to provide, in addition to what you
4 said tonight, more of a formal written comment that
5 you're going to file?

6 MS. GIBBS: Well, no. I was going to provide
7 this. I would reference my DLA comments one, two, and
8 three.

9 MS. TEMPLETON: Okay.

10 MS. GIBBS: I had asked for more information from
11 the agency. I didn't get it. But I made the best with
12 what I could do. And I am one person. I don't have a
13 statistics background.

14 And, you know, I don't know. I was wondering,
15 doesn't National Parks Service have some sort of advocate
16 position for some of these? You know, I don't know. I'd
17 heard something like that. Somebody that could just look
18 at it and say it's rational or it's not rational, you
19 know, look at the whole thing.

20 But to say that it's a change of 22 minutes or
21 something in a day, I'm sorry, you don't have that kind
22 of detailed facts in front of you. Where did I get that
23 from? I think it's page 242 of your document. A little
24 too close, I think, for the data that you have, and I
25 think that those high threshold flows should be tossed.

1 And anyway, I appreciate the process. I
2 appreciate working with PCWA. They were good, brought up
3 kind of a new thought, a new idea with regard to the
4 peaking reach. And they weren't always welcoming, but
5 they certainly did listen, and I appreciate it.

6 MS. TEMPLETON: And going forward, if there's
7 anything, based on the comments that you provided
8 tonight, if you go back and you happen to look at the
9 DEIS and you find specific places in there where you feel
10 that the Commission staff misanalyzed a particular topic,
11 feel free to, you know, file further comments if you want
12 to specifically point out places where you think we've
13 gone astray in our analysis.

14 And in addition, going forward, if you feel that
15 there's any data or information out there that would
16 further support what you said tonight or provide the
17 information with more information that we can use in
18 guiding our analysis in our final document, please feel
19 free to file that as well.

20 MS. GIBBS: Yeah. They had a focus group. The
21 flows were much lower. Bicyclists are now in the area.
22 They use it. They are carrying a bike over their head.
23 They can only do two-feet depth to cross. You know,
24 there were some real concrete comments. And yet this
25 chart was the basis for determining the crossable flows.

1 So I feel that the high flow is inappropriate. I think
2 the lower flow certainly works for the average
3 recreationist.

4 So thank you for your time and providing this
5 opportunity.

6 A bridge did come up in the scoping meeting in
7 March of 2008. Mr. Fargo, I believe, was there at the
8 time.

9 MR. HJORTH: I want to make sure I have the right
10 page. 242?

11 MS. GIBBS: That's one of them. Yeah. Again, I
12 only have so much time in my life, and I hit the high
13 points.

14 MR. HJORTH: All right.

15 MS. TEMPLETON: Well, thank you very much for your
16 comments tonight.

17 I just want to briefly tell you what to expect
18 going forward in terms of key dates and milestones.

19 Again, based on when the EPA actually put out the
20 Draft Environmental Impact Statement, the due date for
21 comments, if you decide to provide more than what you did
22 tonight, will be October 2nd of this year.

23 MS. GIBBS: For this DEIS?

24 MS. TEMPLETON: Correct, mm-hmm. We'll be
25 expecting -- well, we might receive modified

1 4(e) conditions by the Forest Service, and they would be
2 due 45 days after the October 2nd deadline, or
3 November 16th, so if the Forest Service is wanting to
4 alter their preliminary 4(e) conditions, they'll have to
5 do so in that time frame. We expect to issue a final EIS
6 February of next year.

7 MS. GIBBS: Oh, okay.

8 MS. TEMPLETON: And this revised schedule was
9 issued by us in February of this year, and so, pending
10 anything unseen, we still plan to follow along with that
11 schedule as close as we can.

12 And it sounds like, you know, since you've been so
13 involved in the project, you're well aware of how to
14 e-file, so if you do choose to provide any further
15 comments other than what you did tonight, you can do it
16 electronically, as you've done in the past; you can also
17 file hard copies by sending them to the address shown on
18 the screen there.

19 MS. GIBBS: Well, the San Francisco office of FERC
20 had requested a report regarding the stranding, and if I
21 have access to that -- I believe it's a public record --
22 that might be helpful as well.

23 MS. TEMPLETON: Mm-hmm. And just as another
24 clarifier, because of where we are in this process,
25 the -- I've been in communication with another office at

1 FERC, another hydro power office, and that's called our
2 Division of Dam Safety and Inspections. It's part of the
3 San Francisco -- it's where they fall under, the
4 San Francisco office. So for the time being, any
5 comments that you provide in regards to real-life events
6 that have happened recently and under the current license
7 would be handled with that division.

8 It's definitely something that we keep in mind
9 moving forward in terms of what we might include in any
10 new license issued, if we would decide to issue a new
11 license, but just because of timing, there's another
12 division working with Placer County to ensure that
13 correct reporting and documentation is being made on
14 those events that have recently happened.

15 MS. GIBBS: Yeah.

16 MS. TEMPLETON: So there's no staff here that
17 would be providing any correspondence or check on that
18 right now.

19 MS. GIBBS: I'm not expecting that. It's just
20 that that report might provide some real-world conditions
21 that would be of interest.

22 MS. TEMPLETON: Okay.

23 MS. GIBBS: You know, that's what we're trying to
24 get at here. As I said, it's a 35-year-old chart that
25 we're trying to base these crossing thresholds on.

1 MS. TEMPLETON: Mm-hmm.

2 MS. GIBBS: So thank you.

3 MS. TEMPLETON: And back on the -- did you sign in
4 when you came in tonight?

5 MS. GIBBS: Yes.

6 MS. TEMPLETON: There's extra DEISes available.

7 MS. GIBBS: I got one. Yeah. A hard copy.

8 MS. TEMPLETON: There's a little postcard that has
9 the comment deadline on it in case you want to take that
10 with you. So feel free to help yourself to any of the
11 materials back there.

12 MS. GIBBS: Thank you. I really do appreciate it.
13 I think it's a great project, and I do want it to get its
14 license.

15 MS. TEMPLETON: Andy, did you have any further
16 comments?

17 MR. FECKO: Yes. Just a question. Whether Pat
18 e-files comments or whether we just get the record of
19 this, I assume that after the deadline passes, the agency
20 can supplement the record with responses to specific
21 comments, et cetera, so the agency looks forward to the
22 comment deadline and after that would likely reserve our
23 right to comment on anything that comes in and perhaps
24 provide additional information to help clarify.

25 MS. TEMPLETON: Okay. Great. Thank you.

1 MS. GIBBS: Do I understand that there's a
2 deadline for comments?

3 MS. TEMPLETON: There is. October 2nd is the
4 deadline for --

5 MS. GIBBS: Right.

6 MS. TEMPLETON: -- stakeholders to provide
7 comments on the Commission's document.

8 MS. GIBBS: Right.

9 MS. TEMPLETON: And then there's also a time frame
10 that Placer County can provide what's called response to
11 comments. So perhaps someone's comment, they completely
12 misconstrued the intent of something in the document, and
13 Placer County can provide a clarification or a rebuttal
14 as to, no, that's not the intent, here's some further
15 information to clarify what we're going to do or what was
16 meant. So they're afforded the opportunity in the
17 licensing process to reply to any and all comments that
18 are filed by any entity by the October 2nd deadline.
19 They'll have some time after that.

20 MS. GIBBS: Is there a date for their response to
21 comment?

22 MS. TEMPLETON: I don't believe there's a
23 regulatory time frame of when they can provide responses,
24 but we certainly take them from Placer County, so there
25 isn't a set range of when they have to reply by, but we

1 would accept those as part of the record.

2 MS. GIBBS: Are they published?

3 MS. TEMPLETON: Yes.

4 MS. GIBBS: So when they submit it, it would come
5 out through the FERC website?

6 MS. TEMPLETON: Correct.

7 MS. GIBBS: Okay. Is there an opportunity for the
8 public to respond to their responses?

9 MR. FECKO: I think the -- my view of it, I think
10 the record's open until it's not, and anybody can comment
11 on any part of the process at any time, is my
12 understanding.

13 MS. TEMPLETON: Correct.

14 MR. FECKO: That's really what we're relying on is
15 the record is open and we'll comment, and if you choose
16 to reply, I suppose you could.

17 MS. TEMPLETON: During a process, relicensing
18 process, there's certainly times when the Commission asks
19 for comments, whether it be on a certain notice that
20 we've issued or environmental document. However, at any
21 point throughout the entire process, if you feel the need
22 to comment on something, you are more than welcome to do
23 that. The record for this project is open at all times.
24 And just because we call for comments in a certain time
25 doesn't preclude you from filing anything at any other

1 time.

2 MS. GIBBS: Okay.

3 MR. HJORTH: And there is a regulatory time frame
4 for agencies to file modified conditions based on the
5 draft NEPA document, and that's 45 days from the end of
6 the comment period. The reason they've established that
7 time frame is that it becomes more and more difficult to
8 accept and respond to comments the further into the
9 process we get, because once we receive comments, we're
10 going to start working and analyzing and revising the
11 NEPA document to get the final Environmental Impact
12 Statement.

13 We still expect to issue it in February of 2013.
14 If we get some substantive comments later in the process,
15 it starts to jeopardize our ability to do that just
16 because we have to refocus, and, you know, there's a lot
17 of review, internal review that goes on with these
18 documents.

19 So I'd just caution you that there's a reason for
20 that 45-day agency-modified terms and conditions and
21 that's to not string the entire process out unreasonably
22 during -- for an unreasonably long period of time.

23 MS. TEMPLETON: And so we can have as much
24 information as possible before going into our analyses in
25 the final Environmental Impact Statement.

1 MS. GIBBS: Okay. All right. Well, thank you
2 very much. I guess I'll leave this letter with you then
3 and we'll go from there.

4 MS. TEMPLETON: Does anybody else have any further
5 comments, questions, clarifications that they'd like to
6 provide?

7 (No response.)

8 MS. TEMPLETON: Okay. Well, thank you again for
9 attending. I appreciate it. Thank you to Placer County
10 for coming back out tonight. And with that, the meeting
11 is concluded.

12 (Time noted: 8:02 p.m.)

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PUBLIC MEETING

RE :

DRAFT ENVIRONMENTAL IMPACT STATEMENT
MIDDLE FORK AMERICAN RIVER HYDROELECTRIC PROJECT
NO. 2079-069

TUESDAY, AUGUST 28, 2012

7:14 P.M. - 8:02 P.M.

HELD AT:

THE HOLIDAY INN AUBURN
120 GRASS VALLEY HIGHWAY
AUBURN, CALIFORNIA

REPORTED BY: CAROLE W. BROWNE
RPR, CSR NO. 7351

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PANEL MEMBERS

CAROLYN R. TEMPLETON

Environmental Scientist

Federal Energy Regulatory Commission

Office of Energy Projects

DOUGLAS A. HJORTH

Principal Scientist

The Louis Berger Group, Inc.

CAROL EFIRD

Sr. Recreation Land Use Planner

The Louis Berger Group, Inc.

JAY D. STALLMAN

Senior Geomorphologist

Stillwater Sciences

YUBA COUNTY WATER AGENCY:

Andrew Fecko, Resource Planning Administrator

Ben Ransom, Environmental Scientist

ALSO PRESENT:

Patricia Gibbs

1 also used one of our consultant teams from the Louis
2 Berger Group to help us in the majority of preparation of
3 the environmental document, and I will let them introduce
4 themselves as well as tell you what resources they
5 focused on in the document.

6 MR. HJORTH: Yes. Well, good evening. Good to
7 have you here. My name is Doug Hjorth. I'm project
8 manager for the preparation of the NEPA document, the
9 Environmental Impact Statement. I work for the Louis
10 Berger Group. I'm a fisheries biologist by training and,
11 again, coordinated the efforts of the contractor team in
12 assembling all the resource areas that are reflected in
13 the EIS.

14 MR. STALLMAN: My name is Jay Stallman and I work
15 with Stillwater Sciences. I am a geologist,
16 geomorphologist by training, and I worked on the soils
17 and geology and water quantity sections of the EIS.

18 MS. EFIRD: And I am Carol Efird. I'm with the
19 Louis Berger Group and I'm a forester by training, and I
20 worked on the recreation, land use, and aesthetics
21 portion of the DEIS.

22 MS. TEMPLETON: And my role in the FERC side of
23 the EIS was I was a coordinator and then I also focused
24 on terrestrial and threatened and endangered species in
25 the document.

1 And for each FERC staff person that worked with
2 the document, there was a contractor counterpart, so we
3 worked very closely in preparing the document. They did
4 the heavy work for the most part and then someone from
5 FERC worked directly with them to review the resources
6 and review the analysis, so we worked hand in hand on
7 that.

8 The purpose of the meeting tonight is to receive
9 oral and written comments from agencies, nongovernmental
10 organizations, and interested persons on our DEIS, so
11 later on we'll have a time that you can provide oral
12 comments if you'd like, and then there's also, which
13 we'll get into later, a time frame up until October 2nd
14 where you are going to be free to produce written
15 comments and file them if you so desire.

16 It sounds like you've been pretty involved in the
17 relicensing up and to this point, so I'm just going to
18 touch on a couple of key milestones that sort of led us
19 to where we are today.

20 Back in December of 2007, Placer County filed
21 their pre-application document, which the Commission
22 often refers to as the PAD.

23 In March of 2008, we had scoping meetings out here
24 in Auburn, and that's where we heard from everybody as to
25 what issues are really important in the area and really

1 important to the various stakeholders so that we could
2 focus studies and interests in those areas.

3 Then in September of 2010, Placer County filed a
4 draft license application, and after that there was a
5 comment period where stakeholders could file comments on
6 their application, and FERC provided comments as well.

7 Placer County filed their final license
8 application in February 2011.

9 And then November of 2011, Placer County filed
10 what was considered an Alternative 1, which was a
11 supplemental filing, and the request was that the
12 Commission look at that as a new project alternative,
13 sort of in addition to the ones that we typically do.

14 And because of the nature and size of the filing,
15 the Commission issued a letter in February 2012 which
16 waived the integrated licensing process regulations, and
17 you know that those call for very strict timelines of
18 certain things to be met, and so we waived those
19 regulations and provided a revised relicensing processing
20 schedule so that we can make sure that we have enough
21 time to adequately evaluate Alternative 1 and incorporate
22 that into the Draft Environmental Impact Statement.

23 And that brings us to about where we are today.
24 On August 3rd, the Draft EIS for the Middle Fork American
25 River Project was issued. And you may have noticed on

1 FERC's eLibrary website that when we actually issued it,
2 it was July 23rd, but because the Environmental
3 Protection Agency is sort of the issuer of all
4 environmental impact statements proceeding, they're
5 technically the ones that provide that for the public, so
6 just because of the way their schedule and issuance goes,
7 it usually happens about a week to two weeks after we
8 release the document. So going forward, all comment due
9 dates are based off of this August 3rd date and not
10 necessarily when FERC issued the document.

11 And that brings us to tonight, August 28th, where
12 we're having public meetings. And you're the only one
13 here.

14 MS. GIBBS: I can't believe it. I almost didn't
15 come.

16 MS. TEMPLETON: So just going through a couple of
17 bases for how we came to our analysis and our conclusions
18 in our document, obviously, we are under the obligation
19 of the National Environmental Policy Act, which requires
20 the Commission to conduct an independent analysis of
21 environmental and developmental issues.

22 Our analysis considers various resource areas such
23 as geology and soils, water quality, water quantity, fish
24 and wildlife, recreation, land use, aesthetics, cultural,
25 socioeconomic and other nondevelopmental values. And we

1 also try to weigh that equally with electric energy
2 production and other developmental values.

3 We give strong consideration to environmental
4 measures developed in a collaborative setting and terms
5 and conditions provided by resource agencies, so in this
6 regard the Alternative 1 which was submitted by Placer
7 County obviously was developed in collaboration with
8 other stakeholders, especially the Forest Service, so we
9 did look at that and gave that strong consideration.

10 And obviously, we do have two National forests
11 involved in this project, so the terms and conditions
12 provided by them we looked at as well.

13 And our conclusions and recommendations are based
14 on the public record for this project. And as I said,
15 eLibrary contains everything that has happened on this
16 project back from who knows how long, so we take into
17 account all the comments, all the filings, all the
18 issuances that have happened up and to this point
19 regarding the project and we try to incorporate them as
20 best we can into our environmental document.

21 For this Draft EIS we had four alternatives that
22 we considered. The first one was a proposed action
23 alternative, which is basically Placer County's proposal
24 for relicensing the project; we had the staff
25 alternative, which is Placer County's proposed action

1 with the Commission's modified or additional
2 staff-recommended environmental measures; and as I
3 mentioned, we have Alternative 1, which was filed by
4 Placer County and included most of the other agency
5 environmental measures; and then we typically analyze a
6 no-action alternative, which would be not relicensing the
7 project at all and how that would impact the environment
8 as well as environmental resources of the area.

9 I know that you were interested in providing
10 perhaps verbal comment, so at this time I'd like to open
11 up the floor to you to provide for the record whatever
12 you would like to say, and, you know, going off that, we
13 have a dialogue, if necessary, and we sort of go from
14 there.

15 MS. GIBBS: Okay. I have one question. My
16 interest is in the peaking reach below Oxbow in the
17 Auburn State Recreation Area. It's an area that's filled
18 with trails, roads, et cetera, and it's used by a million
19 people a year. I think there's maybe 40,000 whitewater
20 boaters. The rest are trail users, swimmers, et cetera.
21 It's a highly valued area, especially locally.

22 The trails in that area have existed in part for
23 over a hundred years, prior to the first license
24 issuance. And the flows down the peaking reach and daily
25 fluctuation of flows can impact people that are trying to

1 cross those trails and can impact the trail system as
2 well as just impact swimmers and people that are enjoying
3 the side of the river. They can create safety problems
4 and strandings.

5 One question I have, and I'll bring up something
6 else, but just off the cuff, I did want to know about the
7 impact, if any, of the pump station draws down at the
8 very south end of the river, the pump station for water
9 supply. And those draws that they take out of that pump
10 station have to be met.

11 What I want to know is, when those draws occur, do
12 they occur when electric rates are at their lowest, so
13 that would mean that the minimum flows would typically be
14 occurring down river, you get down to the pump station,
15 now they've got to make up for that draw in order to keep
16 the minimums flowing.

17 So theoretically they would have to be adding --
18 supposedly, to pump a hundred cfs to the water supply,
19 they would have to be adding a hundred over that minimum
20 flow. So the timing of that pumping could affect the
21 analysis of the minimum flows if this pumping for water
22 supply occurs when power is at its cheapest.

23 So that's a question that I had, since I didn't
24 see it discussed anywhere in the document.

25 MR. HJORTH: Are you referring to the minimum

1 flows downstream of the pumping station?

2 MS. GIBBS: The minimum flows throughout the
3 project, below Oxbow, don't they have a 75 right now and
4 it will be --

5 MR. HJORTH: There are some minimum flow
6 requirements from Oxbow certainly to the -- well, below
7 Oxbow.

8 MS. GIBBS: All the way to Folsom, as I understand
9 it.

10 MR. HJORTH: And so I'm trying to understand your
11 question a little better. When you say minimum flows and
12 pumping rates and the need to make up for those flows
13 that are being pumped, it could sound like if the minimum
14 flow downstream of that pumping station is what we're
15 trying to maintain, that's a non-hydro project minimum
16 flow. There are no -- I'm not aware of any license
17 requirements for minimum flows downstream of the pumping
18 station, so -- which doesn't mean there aren't any.
19 There probably are. It's just not part of our domain
20 that we get into.

21 MS. GIBBS: Okay. I'll try to be clearer.

22 MS. TEMPLETON: Unless you're referring to is
23 there minimum flows upstream of the pump station that
24 need to be increased because there's a withdrawal from
25 the pump station below, so you have to --

1 MS. GIBBS: That's correct. That's what I'm
2 referring to. The minimum flows at Oxbow would have to
3 be added to in order to offset the amount of -- you know,
4 in order to maintain the minimum flow of the river where
5 you pull it out at the pump station.

6 MS. TEMPLETON: If you don't mind, I think I'll
7 ask Placer County to address the electric rate part of
8 it.

9 MS. GIBBS: Yeah, maybe he can explain it.

10 MR. FECKO: Yeah. Andy Fecko, Placer County Water
11 Agency.

12 As Doug mentioned, the pump station's obviously
13 not part of the FERC 2079 project here. It is part of
14 our water rights for the Middle Fork American River
15 project. It supplies water to the people of western
16 Placer County.

17 We can -- at the current time we can move about
18 100 cfs from the river there. It's in our water rights
19 from the State Water Resources Control Board.

20 The minimum below the pump station is 75 cubic
21 feet per second, and we can meet that minimum with flows
22 from the North Fork American River, which is a tributary
23 to the Middle Fork that comes in about 17 miles, maybe
24 more, below Oxbow powerhouse, and so the flows that are
25 in the North Fork are available to meet the minimum at

1 the pump station.

2 So except for the very driest years, the minimums
3 below the pump station are met by the minimum midstream
4 flows released from Oxbow plus the natural flow in the
5 North Fork American River.

6 MS. GIBBS: Now, the 75 below the pumping station,
7 will that change with this new license?

8 MR. FECKO: No.

9 MS. GIBBS: No.

10 MR. FECKO: The minimum flow below the pump
11 station is in our water rights in the state of
12 California.

13 MS. GIBBS: Okay. So that is not a minimum for
14 this pump station.

15 MR. FECKO: No. The minimum for this project is
16 measured at Oxbow gage, which is approximately one mile
17 downstream of the Oxbow powerhouse.

18 MS. GIBBS: Okay.

19 MS. TEMPLETON: And is the pump station part of
20 this project?

21 MR. FECKO: No.

22 MS. TEMPLETON: Okay.

23 MR. FECKO: No. The last -- the last project
24 appurtenant is Oxbow powerhouse. The FERC project
25 boundary ends maybe a hundred yards downstream.

1 MS. TEMPLETON: So it sounds like any water
2 withdrawal from the pump station as well as any minimum
3 flow below that will not be part of this relicensing at
4 all.

5 MS. GIBBS: Okay. That answers that. Thank you.

6 MS. TEMPLETON: Okay.

7 MS. GIBBS: All right. Well, I hadn't expected to
8 speak publicly.

9 MS. TEMPLETON: Well, let me clarify. You're not
10 required to. This is another avenue that we use to
11 collect comments. Don't feel that you have to. You're
12 more than welcome to just provide written comments if you
13 so desire during the comment period. So I don't want to
14 put you on the spot.

15 MS. GIBBS: I appreciate that.

16 MS. TEMPLETON: But you're put on the spot because
17 you're the only person here, so I'm talking directly to
18 you.

19 MS. GIBBS: I can't believe that. I just can't.

20 MS. TEMPLETON: We also expect you to sing
21 afterwards.

22 MS. GIBBS: Yeah. You know, I just -- I want to
23 say that I do appreciate this system. And this is not an
24 effort to unwind the system, the dams, the water supply,
25 the electric, or anything else. I totally value this

1 system. And my interest is not in upping their liability
2 or exposing it any greater, but I do think there are
3 safety issues in the peaking reach. Now, I know I'm not
4 talking about the project facilities. I'm talking about
5 from Oxbow down. I'm talking about the Auburn State
6 Recreation Area.

7 And my belief is that the DEIS conclusions on the
8 impact of the trail crossings are not accurate, because
9 those high flows shown as crossable and used in the
10 analysis are not based on conditions in the river. No
11 field studies occurred in the river. We didn't go out
12 and do a walkabout and check it very close.

13 And one of the problems, as I understand it, is
14 the flows at people level are very different than the
15 flows at electric generation and water supply levels.
16 But my interest is those small flows at human scale
17 level.

18 No field studies occurred. And, in fact, PCWA
19 stated they were not performed because flows over 350 cfs
20 would impose unacceptable risk to study participants.
21 And that's in the record as part of the technical working
22 group document.

23 All the high flows that they've analyzed as
24 crossable are over 350 cubic feet per second. These high
25 flows should not be used in crossing opportunities

1 analysis for this river. As they have been deemed to
2 pose an unacceptable risk to study participants, they
3 would pose the same risk to the average recreationist in
4 this river system.

5 I know that there are individuals out there that
6 could cross at higher levels, but I'm talking about the
7 average recreationist out there that isn't trained,
8 doesn't understand the concept of strainers, rapids, and
9 walking in high-velocity water or deep water. I'm
10 talking about the average recreationist.

11 They used a 35-year-old chart that compared
12 velocity and depth. It was prepared for rivers in
13 New Zealand. It had nothing to do with this river. It
14 only compares velocity and depth. It doesn't analyze how
15 wide the crossings are, what the water temperatures are.
16 It doesn't analyze how close rapids or strainers are.

17 So it is my belief that those high crossing
18 thresholds that they've used in the analysis should not
19 be the basis for the decision about the impacts to
20 crossings and the trail system.

21 The chart that they used is a rule-of-thumb chart.
22 Maybe some of the people have heard of it. Velocity
23 times depth is ten or less. The Mammoth Bar high flow
24 exceeds 350, as I've already said, but, in fact, it's
25 11.4. It exceeded the rule of ten. This one should be

1 thrown out as crossable, still using the analysis. I
2 don't think it's appropriate.

3 The low flow has been characterized as easy. None
4 of these crossings are easy. They're doable, and a lot
5 of people can and do cross them; however, they don't plot
6 in any level on the easy scale in the document of record.
7 And I do have a written document I can provide. They
8 plot on the moderate scale. None of them plot on the
9 easy scale.

10 Also, in places they used the term, with regard to
11 depth and velocity, the term "preferred." Nobody in the
12 focus group addressed "preferred" flows at the high
13 flows, and basically the "preferred" is one of the
14 references that's continually used in that 35-year-old
15 chart. I just didn't bring it. I didn't think we'd be
16 going through this.

17 So I'm asking that this data be reanalyzed -- you
18 have the information before you -- using the lower
19 threshold crossing information.

20 I ask that it be analyzed specifically for the
21 high recreation you see in the summer and fall, not be
22 brought across the whole year.

23 They're trying to basically bring in hourly
24 effects on a daily basis, and it's been strung out over a
25 whole year, and I don't think that's the best way to

1 develop or make averages be a realistic value. So I
2 would like to see them be fall/summer evaluated, the low
3 flows.

4 Also, in fall they have their October outage, and
5 they have spread that over a 90-day period in hourly
6 analysis of crossing opportunities.

7 When you take this, you know, basically outage
8 with its absolute minimums and you spread those across
9 the 90 days, I think they're skewing the results, and
10 again, it skews the averages.

11 So I'm asking that they take that, establish that
12 as an outage with certain minimums that they indicate are
13 crossable, however much time it is, that's fine and it's
14 fair, but don't do it over such a long span of time.

15 The new project is going to have a multitude of
16 higher minimum flows. Right now, as I understand it, out
17 of Oxbow the minimum flow is 75 cfs. The new minimum
18 flow out of Oxbow would be 150 on up, depending on the
19 water year type. So it's going to change the situation
20 for recreationists down there and it's going to change
21 the impacts to swimmers and so on and so forth.

22 So what I would ask is that there be an additional
23 analysis maybe by an independent party or somebody that
24 can look at the statistics, because I do think they're
25 not accurate, and I think that they should be looked at a

1 little more closely to really analyze the effects for
2 these recreationists.

3 Okay. I'm almost done.

4 MS. TEMPLETON: That's fine.

5 MS. GIBBS: Okay. To reduce the effects that I
6 feel are on somebody who's here . . .

7 MS. TEMPLETON: No, you're not so lucky. It's
8 still just you.

9 MS. GIBBS: You can't know how funny that is to
10 me.

11 Anyway, I would like to see them provide an onsite
12 river stage gage or some other infield reference at key
13 points in the peaking reach based on State Parks'
14 recommendations where they've had problems with
15 strandings or public safety issues.

16 And, you know, and I don't know what a gage is. I
17 mean just some physical thing that indicates, hey, look,
18 the water's going up; hey, look, it's going down. Some
19 simple thing that would help.

20 I request that in their website and their
21 brochures State Parks has produced for the new pumping
22 station, kayaking station that PCWA has put in, that they
23 add that there are daily fluctuations based on the dam
24 upstream and that these fluctuations can prevent people
25 from crossing the river. So State Parks writes up it's a

1 great place to go, you can sometimes get down there, most
2 of the time you have to walk 3500 feet, but we leave it
3 open once in a while, and they don't ever mention that,
4 you know, these flows go up and down. And we just had a
5 stranding situation August 4th, I think.

6 So that would be helpful to just include it in the
7 brochures about the access points, include that there are
8 daily fluctuations and also explain the term "cfs."

9 The references that they refer to that there's all
10 kinds of information about our flows is called CDEC,
11 California Data Exchange Center. Well, you go there and
12 all it is is a list of numbers, 24-hour clock, lists the
13 numbers going 235, 278, 292. A thousand cfs could be a
14 trickle or a flood. Average recreationists don't
15 understand that, so they have to in their brochures
16 provide some sort of context.

17 They don't have to -- I'm not asking that they
18 create liability for themselves, but what I'm asking is
19 that in these brochures it says, you know, these flows
20 can be too hard to cross or too deep or somehow they can
21 word it that they indicate that cfs and tie together the
22 context of this river and the width they're dealing with
23 at certain locations, because people don't understand.
24 Whitewater people do, especially once they know the
25 river. Recreationists don't.

1 And I think it's great that PCWA is going to
2 provide realtime and projected flow information. That
3 was a nice addition, I thought, I think FERC asked for,
4 so that people can schedule river crossings. I think,
5 you know, that would really help if people can understand
6 where they can get to and time it.

7 But I do believe the gage is necessary down near
8 the confluence of the North Fork and the Middle Fork.
9 And that one FERC, I think, has tossed out. I believe
10 it's essential to have it down there.

11 Now, maybe not evaluating North Fork flows, but it
12 can evaluate the last end of the Middle Fork flows.
13 Those are peaking flows that come out of Oxbow.

14 The project-related flows affect recreationists in
15 the entire peaking reach. Where the flows are and what
16 time the flows arrive is necessary information to help
17 with crossing, stranding, and emergency response. Their
18 flows affect those peaking reaches. You can't just walk
19 away from them. You can't say, hey, once it's out of
20 that last gate up at Oxbow, we're done with it. And I
21 feel this is very important.

22 This is a 50-year project. It's necessary to get
23 good information about the flows and move down the river
24 in terms of speed and timing. A gage well downstream of
25 Oxbow will help further knowledge about the river over

1 time.

2 Project flows change the river. Information over
3 time can be very useful to all parties. A gage
4 downstream will help refine the realtime information
5 necessary to the public, because what I've seen is
6 there's usually estimates. You know, it all depends.
7 What's the base flow? That will determine what the
8 velocity is. That's going to determine when it gets
9 there. And my guess is it's not all that accurate all
10 the time. And a flow down at the very end of the system
11 might be very, very helpful, and it does relate to the
12 project, in my view.

13 All right. Now I'm talking about, again, the
14 circumstance for the recreation area, but given impacts
15 of the MFP in the past, the trails predated the project,
16 the destruction of Greenwood Bridge due to the Hell Hole
17 failure, we lost a bridge over the river, the identified
18 significant loss in the EIR for the pump station project,
19 that's what they are talking about there, I'm talking
20 cumulative effects. And the project as it will exist
21 with the new license with these higher minimum flows,
22 trail crossings will be further reduced. PCWA should be
23 required to contribute to build a bridge over the river.

24 MS. EFIRD: I'm sorry. Should what?

25 MR. HJORTH: Could you repeat that?

1 MS. GIBBS: I'm sorry. I'm sorry. I'm kind of
2 lost here.

3 Substantially reduced trail crossing opportunities
4 due to higher minimum flows associated with the new
5 license, PCWA should be required to contribute to and
6 build a bridge over the river somewhere in the peaking
7 reach.

8 If no bridge is put in place, then PCWA should be
9 required to directly contribute an increase in State
10 Parks ranger personnel. These flows have drawn much
11 higher number of park users than whitewater boaters over
12 time. The flows have contributed to numerous calls for
13 law enforcement and emergency response. And these costs
14 are greater than any land fees they're paying. The costs
15 have been borne by the county, the state, and the public.

16 PCWA uses this publicly-owned resource and
17 generates very large profits. It's time that PCWA bears
18 the costs of their project.

19 I have two attachments with this letter. I'll
20 just leave it with you.

21 MR. HJORTH: You mentioned some alternative
22 information to what's in some of the reports early on in
23 your comments. At least I thought you did. Is there --
24 I guess what I'm looking for is, do you have information
25 to support your conclusions about the adequacy of the

1 boating opportunities and crossing opportunities in the
2 peaking reach?

3 MS. GIBBS: What I mentioned was that they used
4 two threshold flows to analyze crossing opportunities.
5 The basis for their determination that it was crossable
6 was a 35-year-old chart. They have stated in the
7 technical working group that over 350 would create an
8 unacceptable risk to participants. That is one thing.

9 The other thing is I did comment on the DLA, my
10 comment number two, I did a spreadsheet and I questioned
11 various aspects of the content of their spreadsheet, and
12 at one instance, I think it was dry years, there are four
13 dry years, well, the flows were pretty highly variable.
14 There were still dry years, but they were highly
15 variable. One of them wasn't used. I don't know why
16 not. So depending on which one wasn't used, it's going
17 to skew your averages. Those things I questioned in the
18 DLA in my letter.

19 I came up with, I believe it was, using their
20 numbers, a 12 percent reduction in crossing
21 opportunities, but you'd have to look -- I'd have to look
22 at my spreadsheet. I did provide something.

23 But I didn't throw out -- automatically throw out
24 the high numbers. I would do that had I looked at it
25 more closely, especially given their conclusions about

1 350, the focus group, and no instream test in this river.

2 MS. TEMPLETON: I have a couple of comments,
3 slash, clarifications just to provide for you. It
4 doesn't change anything that you say here this evening,
5 but just minor things.

6 You had mentioned that this would be a 50-year
7 license. That's not necessarily --

8 MS. GIBBS: It's 35?

9 MS. TEMPLETON: It could be anywhere from 30 to
10 50. So again, that's not a major point, but --

11 MR. FECKO: We'll take 50.

12 MS. TEMPLETON: -- just to clarify that.

13 Second, we hear and appreciate your comments. The
14 Commission is also concerned with public safety, whether
15 it's regarding recreation, people going out and
16 aesthetically enjoying the project, so we do hear that.

17 And, you know, one of our roles is to make sure
18 that not only does the project produce electricity for an
19 area in need and produce revenue for a company, but that
20 because they're using the waterway, we want people to be
21 able to benefit from it as much as possible, and with
22 that comes safety concerns.

23 So we do hear and appreciate your comments
24 regarding that, and know that we are also looking at that
25 as part of our analysis because we want to have a safe

1 project for everyone to enjoy.

2 And then, sort of along the lines of what Doug was
3 saying, do you intend to provide, in addition to what you
4 said tonight, more of a formal written comment that
5 you're going to file?

6 MS. GIBBS: Well, no. I was going to provide
7 this. I would reference my DLA comments one, two, and
8 three.

9 MS. TEMPLETON: Okay.

10 MS. GIBBS: I had asked for more information from
11 the agency. I didn't get it. But I made the best with
12 what I could do. And I am one person. I don't have a
13 statistics background.

14 And, you know, I don't know. I was wondering,
15 doesn't National Parks Service have some sort of advocate
16 position for some of these? You know, I don't know. I'd
17 heard something like that. Somebody that could just look
18 at it and say it's rational or it's not rational, you
19 know, look at the whole thing.

20 But to say that it's a change of 22 minutes or
21 something in a day, I'm sorry, you don't have that kind
22 of detailed facts in front of you. Where did I get that
23 from? I think it's page 242 of your document. A little
24 too close, I think, for the data that you have, and I
25 think that those high threshold flows should be tossed.

1 And anyway, I appreciate the process. I
2 appreciate working with PCWA. They were good, brought up
3 kind of a new thought, a new idea with regard to the
4 peaking reach. And they weren't always welcoming, but
5 they certainly did listen, and I appreciate it.

6 MS. TEMPLETON: And going forward, if there's
7 anything, based on the comments that you provided
8 tonight, if you go back and you happen to look at the
9 DEIS and you find specific places in there where you feel
10 that the Commission staff misanalyzed a particular topic,
11 feel free to, you know, file further comments if you want
12 to specifically point out places where you think we've
13 gone astray in our analysis.

14 And in addition, going forward, if you feel that
15 there's any data or information out there that would
16 further support what you said tonight or provide the
17 information with more information that we can use in
18 guiding our analysis in our final document, please feel
19 free to file that as well.

20 MS. GIBBS: Yeah. They had a focus group. The
21 flows were much lower. Bicyclists are now in the area.
22 They use it. They are carrying a bike over their head.
23 They can only do two-foot depth to cross. You know,
24 there were some real concrete comments. And yet this
25 chart was the basis for determining the crossable flows.

1 So I feel that the high flow is inappropriate. I think
2 the lower flow certainly works for the average
3 recreationist.

4 So thank you for your time and providing this
5 opportunity.

6 A bridge did come up in the scoping meeting in
7 March of 2008. Mr. Fargo, I believe, was there at the
8 time.

9 MR. HJORTH: I want to make sure I have the right
10 page. 242?

11 MS. GIBBS: That's one of them. Yeah. Again, I
12 only have so much time in my life, and I hit the high
13 points.

14 MR. HJORTH: All right.

15 MS. TEMPLETON: Well, thank you very much for your
16 comments tonight.

17 I just want to briefly tell you what to expect
18 going forward in terms of key dates and milestones.

19 Again, based on when the EPA actually put out the
20 Draft Environmental Impact Statement, the due date for
21 comments, if you decide to provide more than what you did
22 tonight, will be October 2nd of this year.

23 MS. GIBBS: For this DEIS?

24 MS. TEMPLETON: Correct, mm-hmm. We'll be
25 expecting -- well, we might receive modified

1 4(e) conditions by the Forest Service, and they would be
2 due 45 days after the October 2nd deadline, or
3 November 16th, so if the Forest Service is wanting to
4 alter their preliminary 4(e) conditions, they'll have to
5 do so in that time frame. We expect to issue a final EIS
6 February of next year.

7 MS. GIBBS: Oh, okay.

8 MS. TEMPLETON: And this revised schedule was
9 issued by us in February of this year, and so, pending
10 anything unseen, we still plan to follow along with that
11 schedule as close as we can.

12 And it sounds like, you know, since you've been so
13 involved in the project, you're well aware of how to
14 e-file, so if you do choose to provide any further
15 comments other than what you did tonight, you can do it
16 electronically, as you've done in the past; you can also
17 file hard copies by sending them to the address shown on
18 the screen there.

19 MS. GIBBS: Well, the San Francisco office of FERC
20 had requested a report regarding the stranding, and if I
21 have access to that -- I believe it's a public record --
22 that might be helpful as well.

23 MS. TEMPLETON: Mm-hmm. And just as another
24 clarifier, because of where we are in this process,
25 the -- I've been in communication with another office at

1 FERC, another hydro power office, and that's called our
2 Division of Dam Safety and Inspections. It's part of the
3 San Francisco -- it's where they fall under, the
4 San Francisco office. So for the time being, any
5 comments that you provide in regards to real-life events
6 that have happened recently and under the current license
7 would be handled with that division.

8 It's definitely something that we keep in mind
9 moving forward in terms of what we might include in any
10 new license issued, if we would decide to issue a new
11 license, but just because of timing, there's another
12 division working with Placer County to ensure that
13 correct reporting and documentation is being made on
14 those events that have recently happened.

15 MS. GIBBS: Yeah.

16 MS. TEMPLETON: So there's no staff here that
17 would be providing any correspondence or check on that
18 right now.

19 MS. GIBBS: I'm not expecting that. It's just
20 that that report might provide some real-world conditions
21 that would be of interest.

22 MS. TEMPLETON: Okay.

23 MS. GIBBS: You know, that's what we're trying to
24 get at here. As I said, it's a 35-year-old chart that
25 we're trying to base these crossing thresholds on.

1 MS. TEMPLETON: Mm-hmm.

2 MS. GIBBS: So thank you.

3 MS. TEMPLETON: And back on the -- did you sign in
4 when you came in tonight?

5 MS. GIBBS: Yes.

6 MS. TEMPLETON: There's extra DEISEs available.

7 MS. GIBBS: I got one. Yeah. A hard copy.

8 MS. TEMPLETON: There's a little postcard that has
9 the comment deadline on it in case you want to take that
10 with you. So feel free to help yourself to any of the
11 materials back there.

12 MS. GIBBS: Thank you. I really do appreciate it.
13 I think it's a great project, and I do want it to get its
14 license.

15 MS. TEMPLETON: Andy, did you have any further
16 comments?

17 MR. FECKO: Yes. Just a question. Whether Pat
18 e-files comments or whether we just get the record of
19 this, I assume that after the deadline passes, the agency
20 can supplement the record with responses to specific
21 comments, et cetera, so the agency looks forward to the
22 comment deadline and after that would likely reserve our
23 right to comment on anything that comes in and perhaps
24 provide additional information to help clarify.

25 MS. TEMPLETON: Okay. Great. Thank you.

1 MS. GIBBS: Do I understand that there's a
2 deadline for comments?

3 MS. TEMPLETON: There is. October 2nd is the
4 deadline for --

5 MS. GIBBS: Right.

6 MS. TEMPLETON: -- stakeholders to provide
7 comments on the Commission's document.

8 MS. GIBBS: Right.

9 MS. TEMPLETON: And then there's also a time frame
10 that Placer County can provide what's called response to
11 comments. So perhaps someone's comment, they completely
12 misconstrued the intent of something in the document, and
13 Placer County can provide a clarification or a rebuttal
14 as to, no, that's not the intent, here's some further
15 information to clarify what we're going to do or what was
16 meant. So they're afforded the opportunity in the
17 licensing process to reply to any and all comments that
18 are filed by any entity by the October 2nd deadline.
19 They'll have some time after that.

20 MS. GIBBS: Is there a date for their response to
21 comment?

22 MS. TEMPLETON: I don't believe there's a
23 regulatory time frame of when they can provide responses,
24 but we certainly take them from Placer County, so there
25 isn't a set range of when they have to reply by, but we

1 would accept those as part of the record.

2 MS. GIBBS: Are they published?

3 MS. TEMPLETON: Yes.

4 MS. GIBBS: So when they submit it, it would come
5 out through the FERC website?

6 MS. TEMPLETON: Correct.

7 MS. GIBBS: Okay. Is there an opportunity for the
8 public to respond to their responses?

9 MR. FECKO: I think the -- my view of it, I think
10 the record's open until it's not, and anybody can comment
11 on any part of the process at any time, is my
12 understanding.

13 MS. TEMPLETON: Correct.

14 MR. FECKO: That's really what we're relying on is
15 the record is open and we'll comment, and if you choose
16 to reply, I suppose you could.

17 MS. TEMPLETON: During a process, relicensing
18 process, there's certainly times when the Commission asks
19 for comments, whether it be on a certain notice that
20 we've issued or environmental document. However, at any
21 point throughout the entire process, if you feel the need
22 to comment on something, you are more than welcome to do
23 that. The record for this project is open at all times.
24 And just because we call for comments in a certain time
25 doesn't preclude you from filing anything at any other

1 time.

2 MS. GIBBS: Okay.

3 MR. HJORTH: And there is a regulatory time frame
4 for agencies to file modified conditions based on the
5 draft NEPA document, and that's 45 days from the end of
6 the comment period. The reason they've established that
7 time frame is that it becomes more and more difficult to
8 accept and respond to comments the further into the
9 process we get, because once we receive comments, we're
10 going to start working and analyzing and revising the
11 NEPA document to get the final Environmental Impact
12 Statement.

13 We still expect to issue it in February of 2013.
14 If we get some substantive comments later in the process,
15 it starts to jeopardize our ability to do that just
16 because we have to refocus, and, you know, there's a lot
17 of review, internal review that goes on with these
18 documents.

19 So I'd just caution you that there's a reason for
20 that 45-day agency-modified terms and conditions and
21 that's to not string the entire process out unreasonably
22 during -- for an unreasonably long period of time.

23 MS. TEMPLETON: And so we can have as much
24 information as possible before going into our analyses in
25 the final Environmental Impact Statement.

1 MS. GIBBS: Okay. All right. Well, thank you
2 very much. I guess I'll leave this letter with you then
3 and we'll go from there.

4 MS. TEMPLETON: Does anybody else have any further
5 comments, questions, clarifications that they'd like to
6 provide?

7 (No response.)

8 MS. TEMPLETON: Okay. Well, thank you again for
9 attending. I appreciate it. Thank you to Placer County
10 for coming back out tonight. And with that, the meeting
11 is concluded.

12 (Time noted: 8:02 p.m.)

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