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April 2, 2013

For the Record

A Sweetheart Lake Hydroelectric Project
2013 Cultural Work Group Meeting Summary
March 20, 2013 9:30 AM

Re: Sweetheart Lake Hydroelectric Project Aquatic Work Group Meeting

On March 20, 2013 a cultural work group meeting was held to follow up on remaining issues related to the Juneau Hydropower's archaeological and cultural report and to determine what further work was necessary in these areas.

The follow Agenda was distributed

Members Attending, Agency

Myra Gilliam, USFS
Mark Pipkin, Walking Dog Archaeology, contractor for JHI
Shina Duvall, SHPO, Alaska Department of Natural Resources
Suzanne Novak, FERC
Ken Wilcox, FERC
Duff Mitchell, JHI

Members not attending.

Eric Morrison, Douglas Indian Association
Summer Rickman, SHPO, Alaska Department of Natural Resources (in training)

Meeting Objectives and Agenda Items:

1. Discuss the draft Area of Potential Effects Letter and Map to obtain concurrence of areas impacted to submit final letter and map.
2. Discuss any other 2013 tasks

Meeting lasted one hour and 38 minutes.

Desktop sharing was not used. The only document that might need to be shared was the proposed Area of Potential Effects. It was confirmed that all participants had that document.

Duff covered meeting objectives and agenda items and the agenda was agreed to by the group.

Suzanne Novak- from FERC. FERC does not have the letter and this was sent to FERC during the meeting. A draft e-mail, not a formal letter was sent.

Mark Pipkin- map and e-mail was for discussion purposes. Received e-mails from Shina and Myra with responses. These comments (March 5th and March 7th responses were forwarded to Suzanne during the call.

After all have received the document, Mark wanted to clear up a misinterpretation was the coloring and shading. Mark clarified how to read the map as he colorized the document. The entire area of the inundation is direct. The inundated area is 25 ft. permanent and another 60 ft seasonal.

Shina Duvall, so the only impact of indirect area is dock and powerhouse.

Mark Pipkin, the area includes anchorage to include potential fishers using the area.

Duff Mitchell-explained where the fishers primarily congregate in relation to the project area and to where specifically these fishers go after the sockeye salmon. Mitchell further discussed likely anchorage areas and dock access. A dock or moorage will help current participants and it could be reasonable to increase traffic.

However a coastal road/trail will also reasonably decrease foot traffic from other areas in the area because the coastal road/trail will canalize the existing and future traffic away from other areas. Leaving zodiacs on the beach unsecured become a bear attractant so folks do not leave their zodiac toward the mouth of the creek or they could be destroyed.

If a forest road is ultimately used, then it is likely that people and traffic will still use the lower beach area as the forest road is out of the way for most foot traffic users.

Shina Duvall, there is a potential and even if remote, that there is potential effects. Even though there is potential, even if remote, does not require that you mean that you conduct pedestrian inventory in the area or more surveying.

Duff Mitchell. Where do you feel that the potential effects are in relation to the area? The creek is a raging creek, most people are not going to cross with hip boots, etc.

Shina Duvall- I am not directly familiar with the area as much so I'd like to hear from Myra on this.

Myra Gilliam- I made some pretty specific recommendation in my e-mail.

I think the entire mudflats area should be indirect effects. We will see more use in the area as clam digging and shellfish, waiting for tide to come in, beach coming and will likely be an area

of potential effects and I would add that could be a an area with a high probability of cultural resources.

I also pointed out that the west side of transmission line, that there will be ground disturbance when the line comes to ground.

Duff Mitchell- it is called a marine terminal

Mark said he looked at the locations for marine terminals including the area near Mist Island.

A discussion ensued on the number and locations of the proposed marine terminals for the proposed transmission.

All areas are in areas of potential effects except for Mist Island. That area would have a small area of potential effects and was not included because it was already in the Snettisham Transmission area corridor.

This particular area was discussed by Mark Pipkin.

Myra Gilliam- I am hearing really good arguments why no more inventory or foot traffic will occur, but it should be included.

Shina Duvall- I agree that it should be included.

Mark Pipkin, I surveyed the area north of Mist Island, but did not include it because there is an existing facility there, but this can be easily added.

Duff Mitchell, we will include this Marine Terminal in the APE area. Is it an area of direct or indirect?

Mark Pipkin- this would be direct.

Shina Duvall, Indirect effects can also be noise or visual that would be effects removed in time and distance whereas direct would be more related to ground disturbance.

Ken Wilcox, I want to go back to the laying of cable the box in the intertidal area.

Duff Mitchell- We will have transmission cable laid in the intertidal that would be buried and trenched to the engineer specification. There would be a line of direct effect across the above tide to intertidal areas. We are not proposing to trench in the subtidal area. The Whiting River will over time bury the cable due to its high silting effect in Gilbert Bay. So yes, there will be an intertidal effect at each at every marine terminal location.

Mark Pipkin, as someone who has been on the ground- This is very steep area on both the Snettisham terminal areas. We have rock faces coming down to the water. The intertidal areas are abbreviated with high slopes.

Ken Wilcox. I think in the report it should be described that way.

Mark Pipkin, would this be in the archaeology report?

Ken Wilcox, yes as to what is going to be sent to the SHPO.

Duff and Mark. We can capture some photos.

Ken Wilcox If SHPO is happy we are going to be happy with the description with whatever you can do. No additional surveys or anything.

Mark Pipkin, I think in the report I already have pictures. In the supplemental document I can include the shore description that should suffice to assist in everyone's understanding.

Ken Wilcox, OK.

Duff Mitchell-. Can we go over the mudflats. The most likely area is the eastern side of the creek. There was a remark that clams digging. Clam digging occurs in the winter as Paralytic Shellfish Poisoning will kill you. Also the clamming is going to occur with or without the project. Also, you do not want to carry a 5 gallon bucket of clams very far.

So with respect that to the map we need to redraw, are we suggesting the entire mudflats as a potential area of potential indirect impacts?

Myra Gilliam- yes

Mark Pipkin- for clarification so I am clear on drawing the new map.

Myra Gilliam-. Also the upland shore. I want the area to be as broadly as possible and then figure out what areas are high probability where sites will mostly likely be found. This does not mean new surveys or investigations are needed. The just need to consider for potential effects.

Duff Mitchell-. That is doable. So for summary, we are including marine areas, we are including mud flats to include an area or a band on the upland.

Mark, OK, same interpretation that I have

Duff Mitchell, Comments on the tunnel. I wanted to move up in elevation, but are there other areas in Gilbert Bay.

Shina, SHPO, no comments on Gilbert Bay.

Discussed the tunnel and impact.

Mark Pipkin, on page 2 of the report is the proposed tunnel profile in figure 2. The portal is at the powerhouse location, but the tunnel will be 200 or 1000 ft underground so there should be no disturbance.

Shina Duvall, so it will be bored, there is no trenching?

There was a discussion of the tunnel and portal and a confirmation of no above ground penstock as well that the tunnel will be a conduit road to convey material and equipment. JHI mitigated road impact over a very rough terrain area.

Mark Pipkin, both terminuses of the portals are in the area of potential effect.

Myra Gilliam, while I appreciate that Tlingit stayed in relatively lower areas, but people do walk around in the area in the past. Prospectors went all over.
Question, this is a large area not just a small bore? You can drive a vehicle? Two way traffic and what diameter.

Duff Mitchell, we have been consistent with our application and documents at 12 foot. There are some discussions with a 15 ft tunnel, but it would be on way traffic. There will be staging areas.

Myra Gilliam- Is that staging area properly identified in the area of potential effects.

Mark Pipkin, Yes.

Duff Mitchell-, can we expand that area?

Also it is a very steep area near the lake,

Mark Pipkin on page 36 we have a picture of the area and we could expand the area of potential effects.

Myra Gilliam, I have to leave as I only scheduled a one hour. I want to raise the area of the abandoned town at Snettisham. I am saying it is an area of direct effect, but the mining district might be an area of indirect effect. Mark did identify that as a site, and then the power line will change the visual characteristics of the mining area ruins in the woods. My recommendation is to include it as an indirect effect due to visual.

Duff Mitchell- Unless it is justified, our company will not want to include any area at Port Snettisham related to the older mining areas. We are miles away. I also want to point out that we

have moved the transmission line even further north to avoid a botanical sensitive area. Mark's map is not showing exactly where the line is. I do not want to include the mining area with our indirect effects especially when I know that the agency is having permits and other items with another party in that area. I do not want them in my business and I do not want them involved with our business.

Myra, these areas will likely be indirect not direct. The landscape changes with a cleared line.

Mark Pipkin, I keep referring to my report. Figure 13 on page 38. The line is even going to be further north at the Sentinel point. You can see that in my report that the area is very steep. Based on the terrain, you cannot see the transmission line from the mining area. You can also see the mine area from an airplane and not on the ground.

I just do not see the indirect impact. You are not going to see the transmission line and the mining area as you are not going to see them with the distance and the terrain.

Shina Duvall-there might be a basis that are reasons for not including it. That we acknowledge that there was a comment for and or not including it.

Myra Gilliam, Based on what I am hearing it will be moved to the North so we should see the revised report and we can look at those comments.

Myra said good bye and left the call.

Mark Pipkin- To clarify, I will add the comments and rationale.

Shina Duvall- I think the best way to handle this is to identify the fact that the issue was raised and then include the rationale and reasons for leaving the Snettisham area out .

I guess this is a question from the FERC folks, will you be submitting it from the FERC side, as right now we have considered the review informal.

Ken Wilcox, that is fine. That it goes past the SHPO and you are fine with it.

Shina Duvall, so will Mark and Duff submit to you and then you submit to us. Then we can have the lead agency on the record. We would want the consulting record.

Ken Wilcox, it doesn't to be. The APE can go directly to you but can go to everyone for the record.

Shina Duvall, we would like to know that FERC has reviewed it and you are ok with it

Ken, it is one of those I am OK you are OK.

Duff Mitchell, we are the Section 106 designee. Can Ken or Suzanne can you explain how this works. The responsibility. Do I prepare the documents, submit to FERC and then to SHPO. I am just trying to make sure we are all on the same sheet of music and that we are using the proper protocols and procedures.

Suzanne Novak- you are designated at the 106 representative so you do what we normally would do. YOU would send directly to the SHPO. We of course receive copies and are copied on the correspondence. We do not ship anything out directly because you have the designation.

Kens that is about right. We already have a study report. We have reviewed and we can make comments as part of the process if they are warranted. But it sounds like things are all worked out and we get to the end that we are trying to do.

Duff Mitchell. We want to make sure that we meet the SHPO protocols and with the ALP and we can work to agree before the license. It is a more informal and open collaboration process. We can actually agree ahead of a license.

Ken Wilcox. Right and ideally you get agreement across the board. You try to get agreement with an application and address all the issues. Even if there is not agreement we have all the information.

Duff Mitchell Is that helpful Shina?
Shina Duvall. Yes.

The only other thing on our agenda, we need to finish our APE but more work on our marine terminals. Should we file an addendum.

Shina Duvall, I think that would be helpful. We might have done some things backwards. I think we as a group should agree if the work has been sufficient. I think it would be helpful to the project and how we have identified the APE.

Suzanne Novak- I had a question of the tunnel spoils and where are they in the Area of Potential Effects?

Duff Mitchell- Yes. We are building berms and based on rock tests we are planning on using the spoils of the tunnel and re-use the material into the dam. The spoils will be in part re-conveyed up through the tunnel and used in the dam.

Mark Pipkin. all the spoils are already in the APE areas.

Duff Mitchell, we tried to look at this development from all views and we felt that reusing the spoils was good for the project and good for the environment.

Suzanne and or Shina- good that is recycling.

Suzanne, Oh, OK that resolves my remaining concern.

Ken Wilcox, Based on what Shina raised, maybe a nice way to package this up I think a defined APE and map , letter with description is and what areas are in or reasons area are not...and then add an addendum of the report to any items that were missed. Even if it does not require additional surveys, mention the tidal flats etc. Maybe we can address what further work is not needed. But I see the two documents to wrap this up and get us on track.

Mark Pipkin- By two documents map and justification and then an addendum to the reports restated and clarified the expectations. Concurrence that tunnel would not have ground disturbing effects

Ken Wilcox. Yes two documents, the addendum is one and then the map with justification is another. Sort of how it seems to come together here.

Mark. I need clarification and concurrence on the tunnel. So the tunnel itself is not to have any ground disturbance effects.

Shina, Duvall-Yes, I believe so except for the portals at the endpoints

.Shina Duvall, I am comfortable with that, but I am not sure what Myra thought. I am not concerned with subterranean impacts. Maybe you can report and folks can make comments on it. That would be my suggestions. I am not concerned to impacts with subterranean resources that are 1000 feet below the surface.

Mark Pipkin, so I am getting clarification that the tunnel is not going to have ground disturbing effects.

Shina Duvall- So If you have no indication of those resources based on id efforts and no evidence of them on the ground or through archaeological testing.

Mark Pipkin, I guess the same logic could be follows used for the submarine cables of the proposed transmission line?

Shina, Yes, I agree except that you might have some submerged resources in and or along the shore. I am not familiar with the area.

Mark Pipkin, I did check the shipwreck database. As much as we know we have uncovered what is known.

I am going to include the Marine terminals but I am not seeing the submarine route of the cables as a part of the APE.

Duff Mitchell. I am not finding where other developers have included submarine cables in their projects. What is the procedure for other projects?

Shina Duvall, I am not so sure that there is a standard practice.

We look on a case by case basis. I would need to check what we have done with other projects and there APE. However, I do not believe there is a standard practice.

Duff Mitchell. I want to weigh in with Mark. My position is that we only want to include what is reasonable. WE considered isostatic rebound to determine if our marine terminals would be in a likely settlement site. We have already thoroughly researched the shipwreck records. I want to have nexus to the project for anything we do in the future. I am not willing to agree to include the submarine transmission line in the APE only to find that now someone is requiring that we run a submarine camera along the route just to do it.

Mark Pipkin. I propose that we put a small area around the terminal sections of the submarine line as part of the APE and leave out the middle portions.

Shina Duvall. I think that is fine and explain in your documentation why you did it that way.

Duff Mitchell. Yes and Mark we can add the rationale and reasons why.

Are we in agreement of the two products as suggested by Ken?

Shina Duvall. I think that is fine I would mention to the group, Suzanne and Ken. When we received the Pipkin report that I provided resources and recommendations, the USFS make a finding of proposed effects, and Myra is not on the phone but she understands that the some of this was prematurely done. So we did comment on some eligibility. So we have withheld comment and we have withheld finding of effect, primarily because we were waiting for FERC or the designee. We thought that the finding of effects would come from FERC or FERC designee. So I wanted to make sure that we dealt with the APE, dealt with the recommendations and determinations of eligibility and then dealt with the finding of effect. I wanted to know at what point in the application process does FERC issue a finding of effect? Do you know when that occurs?

Ken Wilcox. No I guess I would have to ask about that. Often what happens on other projects, an applicant would run things by the SHPO, the applicant does their homework and then everyone

agrees of no effect and everyone agrees on the resources and then a get a letter from the SHPO that everyone agrees and we move on.

Then this is done by designee and you only review

Ken so sometimes this is just between the SHPO and Applicant. If it is fine with you it is fine with us.

Shina Duvall. OK ,This is between the SHPO and the designee and we are not waiting for a letter or issuance from FERC. And then you make sure that the Applicant is reaching out to the tribes.

Ken Wilcox, that is what we understand as well. They do outreach and so do we I know that Duff has been working with the local government tribes. It looks like they have been and that has been expressed to us

Shina Duvall. That is our understanding too.

Shina Duvall, OK I was just checking on how this is handled.

Ken Wilcox, Yes that is my understanding but I will check with Frank Winchell who is our main guru and we will check with him. He is a bit familiar with the project, but we can bring him up to speed.

Shina Duvall, great, I have worked with Frank in the past on another project.

Duff Mitchell. I know we are wrapping up thing but I want everyone to know that we would like to file a license application early summer. W are trying to wrap up loose ends in all areas and have a meeting of the minds so to say. What I heard today is that we should be able to wrap up or agree to disagree with the final products for the Cultural and archaeological resources.

Shina Duvall. That brings up my question. Do you need the 106 process completed in order for a license application or that it is in progress and all parties are involved. At what point does the 106 application need to be when the license is filed. That is my questions.

Ken Wilcox. Yes, we basically we want the process wrapped up when the application comes in.

If there are other items then sometimes things go into the license.

Some items if there are issues become a part of the condition of the license. If we assume that the process will come up with a finding of no effect we would like to have this all wrapped up with some finality.

IF we assume that this is no effect, we would want some clarity on that and have some finality when we accept the license.

Shina Duvall, OK that is all I had

Duff Mitchell. The only other item I wanted to put on the project as any other plans. I wanted to bring up that based on other projects that we look over other plans as a Heritage or historical management or a plan for inadvertent finds. Some of these plans are required later on. Does group want me to develop that now or during the license?

Shina Duvall. I do not want to speak on behalf of FERC but the Historical Management plan is only required if there is adverse effect are found. An Inadvertent discover plan is good and helpful to have at any time. They are helpful to have. It does not need to be a robust plan but it lays out who is contacted and when. It describes the process

Suzanne Novak. FERC has a pretty standard article on that goes into all licenses. That would probably cover it in licensing.

Shina Duvall. That would probably cover that.

Duff Mitchell. I am trying to be proactive on that and want to ensure that I cover everything. I can get that from Ken or Suzanne and adapt to our project.

I have talked to Eric Morrison, they were building a school parking lot and found some inadvertent finds and we would want to have Douglas Indian Association on our contact should something happen and have them involved in our inadvertent finds plan.

Suzanne Novak we will send some information for you to look over. .

Duff, Mark do you need anything else you need?

Mark Pipkin I need updated drawings for the transmission. I think everything is hashed out, so no surprises no big problems.

Duff Mitchell I will put together a meeting summary and we will put this out to the stakeholders of what we agreed to and I have a recording is anyone should need it in the future.

The meeting ended.

Meeting go forward and deliverables:

1. JHI and Mark Pipkin will develop new APE map and detailed description and justification of areas covered and are placed in the APE or not placed in APE as agreed to in the meeting record.
2. JHI and Mark Pipkin will develop and issue a supplemental addendum to the report to cover marine terminal areas and other items as agreed to in the meeting record as to provide clarification on the Areas of Potential Effect.
3. FERC will send JHI examples of Inadvertent Finds Plans used by other hydropower developers as a guide for JHI to use and adapt to the Sweetheart Lake Hydroelectric Project.
4. JHI, as section 106 non federal designee will submit documents directly to the USFS and SHPO and will copy same documents to FERC for their review and input.

This meeting record was compiled to by Duff Mitchell and reviewed by Mark Pipkin.