

Sweetheart Lake Hydroelectric Project
2013 Wildlife Studies Work Group Meeting

Wednesday, April 17, 2013 8:30 AM

Meeting Summary

Members Attending, Agency

Dianne Rodman, FERC
Dennis Chester, USFS
Neil Barton, ADFG
Stephanie Sell, ADFG
Shawn Johnson, ADFG
Duff Mitchell, JHI
Cathy Needham, Kai Environmental
Robina Moyer, Kai Environmental

Members invited but not attending:

Ryan Scott, ADFG
Richard Enriquez, USFWS
Sadie Wright, NMFS
Sue Walker, NMFS
Barb Stanley, USFS

Meeting Objectives and Agenda Items:

1. Discuss and approve the final draft of the Sweetheart Lake Hydroelectric Wildlife Analysis Report.
2. Discuss any other 2013 wildlife study tasks
3. Identify any licensing plans for JHI in its licensing such as Bear Interaction Mitigation Plan, etc.

Meeting Summary:

- A. Discussed Wildlife Analysis report, its function and differences from the Wildlife Study report published last October. Covered areas that are being reviewed by agencies and additional information being worked on.
- B. Agreed to have a follow up meeting on ADFG licensing wildlife agreement, mitigation or out of license agreement for wildlife under the Alternative License Process.

- C. Agreed to set a follow up meeting on above issue B, with an additional future meeting to discuss finalization and review of Kai's completed wildlife analysis report.

Minutes:

JUNEAU HYDROPOWER

Minutes

Wildlife Working Group Meeting

April 17, 2013

8:30 AM

Ms. Cathy Needham: All right. Duff, did you want to take the lead, or did you want me to take the lead?

Mr. Duff Mitchell: Go ahead, Cathy. I will just premise that I'd like to just go over the wildlife review and get some closure on some things if we can. That's what my intent is, and we'll just follow the agenda and go for it.

Ms. Cathy Needham: Okay.

I thought what I would do is just give a brief overview regarding the document. It sounds like people have had an opportunity to at least look through it if not read it completely.

Ms. Dianne Rodman: Dianne Rodman.

Ms. Cathy Needham: Good morning, Dianne--I mean good afternoon.

Ms. Dianne Rodman: Yeah, that's right. Good afternoon.

Ms. Cathy Needham: This is Cathy Needham with Kai Environmental. Maybe I could just give you a brief rundown of who's all online. We just kicked off--Duff Mitchell, of course, and yourself. We also have Dennis Chester with the Forest Service. With Alaska Department of Fish and Game we have Neil Barten, Stephanie Sell and Shawn Johnson [sic]. And then, my staff person Robina Moyer is also online.

Ms. Dianne Rodman: Okay, great.

Ms. Cathy Needham: I didn't miss anybody, did I? Did anybody else click in? Okay.

So, we were just getting started. I was gonna give a brief overview of the Wildlife Analysis Report that we sent out to everybody, I think it was April 4th, and then open it up for some discussion about what each entity is looking at in terms of what we've covered and what we've missed, that kind of stuff.

As many of you know, we chose the US Forest Service's guidance for conducting a wildlife review for the project. And we talked about that at the meetings in February about using that guidance.

And essentially, what that does is it looks at number of the current sections that are required under law for the Forest

Service to look at when it comes to wildlife. And those would be threatened and endangered species, [unintelligible] species that the US Forest Service identified, a set of management indicator species that they've identified and then an analysis of migratory birds [unintelligible].

And in this document, we've also chosen to look at a couple of other species that we called other species of concern because they were present within the project area, and they also have guidance within the Tongass National Source Plan specific to them. And so, that's why they were included. Those included marbled murrelet, the great blue heron and the harbor seal.

So, each section, each of the major sections, what we do is we look at the overall project footprint, we overlaid that into GIS [sp] while using vegetation layers to classify habitat. We overlaid the footprint on there, and then we looked at the amount of habitat being potentially impacted by the project and then tied that back into each of the species that are on those lists that I previously mentioned, looking at the impact to their habitat, looking at impacts to each of those species that are basically representative indicator species according to and outlined by the Tongass National Plan.

So, I think with that--I just wanted to have that be brief since you guys have all had an opportunity to take a look at it. But, I do want to acknowledge that we--I realized after I sent

it that we did miss a complete analysis on the migratory bird section where we briefly mentioned that birds could be impacted by strikes to overhead lines, but then we didn't discuss it again. So, that will be added in.

And there was a little bit of formatting problem toward the end of the document. But, I've actually fixed that since I sent the document to you. It's just a quick header issue.

But, other than that, I just wanted to open it up for your guys' comments and to let us know where you think we're at with the wildlife analysis.

Mr. Shawn Johnson: I guess I'll start. This is Shawn with Fish and Game.

Ms. Cathy Needham: Hi, Shawn.

Mr. Shawn Johnson: First, I--hey, good morning.

First, we appreciate your efforts in carrying out your wildlife studies. We know it's a tough country to work in, and you guys got a lot of stuff that last field season.

But, for a lot of the species that Fish and Game is interested that we manage such--goats, bears, furbearers and so forth, we still don't have much baseline information on the distribution and habitat used in seasonal movements of these species within the project area, which makes it kind of difficult to assess potential project impacts and to develop measures to avoid or minimize or mitigate for those impacts.

So, we still don't know much about goats and bears and how they use the project area.

Ms. Cathy Needham: Okay.

Mr. Neil Barten: Hey, Cathy?

Ms. Cathy Needham: Yes.

Mr. Neil Barten: Yeah, this is Neil.

Ms. Cathy Needham: Hi, Neil.

Mr. Neil Barten: Hey. Yeah, and I guess if it's not too much trouble to get into this at this point, but one of the things in particular with goats, when I read through the--these documents, there was mention that during the goshawk surveys, goat sign was looked for. And I know myself and Ryan [sp] participated with Duff on a flight last spring, I think in April, about this time of year probably.

But, anyway, from on the ground, I really didn't get a good sense of what exactly was done on the ground for doing--looking for goat sign and the activity from goats other than when you were working on the goshawk calling stations, you looked around. But, were there any--I didn't see any mention of transects being hiked or any real efforts on the ground that were described anyway for hiking up the hills and looking in some of these location that we pointed out on our helicopter survey that are more likely to hold goats and have goat sign. It was--was there anything like that done?

Ms. Cathy Needham: There were two things along those lines. Once in February, Kate and I did a helicopter trip down there where we circumvented the lake to look for goats. And then, we got out on the ground at two locations where they could actually safely land the helicopter that were areas that had some--a more substantial area that was accessible, and we did shoot [sp] around looking for tracks. And that was in February.

But, we didn't cover a tremendous amount of ground. We were only up there for probably two hours, and there were two locations that we went to when we looked there, one of them that we flew into specifically, because we saw some tracks from the air and we wanted to get a closer look at them.

And then, during the goshawk surveys, the transects were actually the goshawk transects. And so, we only looked at the areas that the--basically the 700 foot level that was the outline of the lake up top that the grid was based on. And then, survey stations were--I would look at stations every, approximately every 200 meters within there.

So, for the most part, you can't get out of the boat and walk up anything on that south facing shore, the northern shore of the lake because it's--there's a lot of very steep cliffs there. But, where--every time we had a goshawk station, if we could get out of the boat, if it wasn't just a steep cliff up, then we got out of the canoe and walked up on shore and

basically went--we didn't go any further than the elevation level that was the exterior perimeter of the grid that we worked.

So, we didn't hike around up slope very far at all. But, when we did get out and look for goat sign, especially on the June surveys--and we were looking for potential deer brows [sp], too, because some of the areas are a little bit farther down there close to the rivers. And then, when we looked for goat sign, we were looking for tracks, scat or like hair on bushes if there were--if there was vegetation there that hair could have gotten hung up on.

So, the thing we don't have is I couldn't tell you--I wouldn't be able to GPS--we didn't have GPS prints for every place that we actually looked for goats. It was more of a get out when you could kind of thing. And that's just like we probably should have hit the GPS at that point in time, but I think it was more of a if we can safely get out of the boat and climb up there, we did.

And it really--to be honest with you, there isn't a huge number of places that you can get out of a boat there on that north shore where you guys have identified being the whole north shore and that being really high or quality goat habitat. There's not a huge number of places you can't get out because it is just a rock face.

Mr. Duff Mitchell: Neil?

Mr. Neil Barten: Yeah.

Mr. Duff Mitchell: This is Duff.

We had two individuals basically live at the lake last summer, and they did extensive hiking up on both ridges on both sides of the dam area, which is not where the primary goat areas would be. But, they hiked up, I mean, to the top of the elevations of those peaks in that area.

The other hiking that they did was on the far end of the lake, which was goat area where we were always looking around for the--when we flew the helicopters in there. And they did extensive surveying of those creeks and hiking up those creeks. And Cathy had them fill out citing reports.

And one of the gentleman wanted to find goat because he'd like to go back there and maybe kill one. And so, he was very diligent at looking for scat, hair and any track sign of goat because he was very interested in just his personal wanting to know. And they did not find any.

Mr. Neil Barten: Right. Okay.

Mr. Duff Mitchell: And I do--and, I mean, that's not in the report, but they do those have those GPS routes and--or basically on a map can show where they went, and we can go back to the dates that they hiked those. But, I did make it very clear to them, anything that they were doing in that lower reach

area--when I say lower reach, I'm talking about up at the far end of the lake where you, me and Ryan talked about--where we talked about that may be a sensitive area or potentially sensitive area, they did comb that really well.

Mr. Neil Barten: Okay.

Yeah, the one--just for--at least from my perspective as somebody reviewing these documents, that kind of detail of what really was done is obviously missing. And so, you--as a reader, you don't get a good sense of really what kind of on the ground efforts were made for goats in particular - so, just to let you know.

Mr. Duff Mitchell: Yeah, and their looking for goats was incidental to other activities. But, it was definitely a task.

Ms. Cathy Needham: I was unaware that that happened, so it would be good for you to pass that information back over to us, Duff, and we could certainly integrate it into the report so we could add the level of detail. And we'll include the--well, we'll include a better description of what our field crew's efforts were.

Mr. Duff Mitchell: Sure. We might be able to even get you to download with both of those gentlemen. I just assumed that when they were turning in those wildlife--Cathy had supplied our folks with wildlife--what were those sheets, Cathy? They were kind of like observance sheets or--well, Cathy supplied us with-

-each of our crew with pictures of what the animal or what the critter looked like as well as a detailed sheet of what date and if you spotted a particular piece of--particular wildlife and whatnot. So--.

Ms. Cathy Needham: --The actual protocols associated with that are actually described in more detail in the wildlife study document that was submitted back, must have been last October. And I don't know if that provides any clarification, actually, Neil--.

There were actually two documents associated with the wildlife, the one that was submitted prior to the big deadline for the pre-license application and then the subsequent wildlife analysis that's come out from that. And I don't know--but, thinking about it now, we probably should have sent out, resent out that wildlife study, because I--to the best of my knowledge, there was not--there was some comments about not having--in that document not having the analyses because it was a separate document for us to produce. But, other than that, I don't remember other comments coming from the wildlife study document that we produced.

And that's where--that document itself really outlines more of Kai Environmental's process of what we have done in terms of the field season, the 2012 field season.

Shawn, I have a question for you, then. So, your comment is regarding having additional baseline distribution seasonal use information for bears and goats. And I understand that we have one summer that we've documented in 2012 that gives some general use of some areas within this project area.

But, what--do you have a recommendation or are you--like what are you looking for from this group in order to move forward with that for your particular comment?

Mr. Shawn Johnson: It's too bad Ryan Scott [sp] couldn't be here because I know he--Ryan and Duff had a lot of conversations about collaring bears. And the wildlife study plan indicated that some bears would be collared. Whatever happened to that?

Ms. Cathy Needham: The wildlife study plan--are you talking about the plan, not the actual study report that we did?

Mr. Shawn Johnson: Right, yeah, the actual wildlife study plan.

Ms. Cathy Needham: Okay. I'll defer that question to Duff.

Mr. Duff Mitchell: I think we've talked about it, and I think we were given some estimates of cost for goats. I can't remember. I'd have to pull up the document. They may have included cost for bears.

I think the question boiled down to is how many and how long. And we've been kind of like two boats passing, and we're not opposed to collaring goats and bears.

I think from Juneau Hydropower's point of view, I mean, bears are plentiful and known. We just want to make sure there's a good nexus of data collection for the project.

On goats, it's like what we said at the last meeting - we're not opposed to helping ADF&G collar some goats, as well. We're just not finding too many in the wintering area.

We do believe strongly that there's a likelihood of goats, and they've been spotted in there in the summer. I think Sweetheart Lake is in their summer range.

I'm not so--and this is just my opinion, and I know Neil and Ryan say there's not any evidence to disprove, so you can't disprove. But, on the goats issue, we would like to have those goats collared in Sweetheart Lake rather than maybe collared somewhere else and then they never end up in Sweetheart Lake.

So, they're gonna be tough to collar goats. Bear collaring I don't think is gonna be so tough. So, I think there just needs to be a memorandum between ADF&G and us on agreement of what we're going to do.

The issue that we have is, one, we know there's bears. And we have designed our pen stock [sp] to make sure that there's no mobility barriers, unlike let's say a pen stock out in Pelican

or where you've seen other pen stocks that--and pipe that stick above ground, those create natural barriers for animals to--they can't go over it, and so they try to go around it. And that going around it could put them off for a half mile, quarter mile or wherever that barrier exists.

Our perspective is that the entire pen stock is buried. There is no barrier above ground for any mobility issues of bears.

The issues that we have are known issues - i.e., we have a road, a dock, a powerhouse. Powerhouse will be put around a mound. It'll be gated. That doesn't mean that a bear won't get in there, but we don't--we understand that by putting our infrastructure in there, we have an impact on the bears. But, putting it to the nexus of developing and operating hydropower and the bear--I mean, there's bear interaction issues.

But, as far as cutting down the mobility of bears, we don't see it. And I can just go to any hatchery in southeast Alaska, and I'll just point out the one in Kake [sp], the bears--when the fish are there, they're pretty resilient to acclimating themselves around infrastructure. You go to the Kake hatchery and there's bears all over the place. They're all over.

And so, I don't know if I'm helping or not. But, going back to the collaring, we're not opposed to it. We don't see--from our professional analysis, which is not scientific, we

don't see where the infrastructure issues regarded to the hydropower are going to immobile or cut off terrain passages of bears or goats.

I will say that bear are pretty cunning. And as we build that dam, it will actually probably--well, it won't probably, we know that it will - the bears will walk across the dam unless it's gated from the north side to the south side of lower Sweetheart Lake. It'll become a game trail, per se, for at least bears that aren't as timid.

So, I don't know. Am I helping or not? I think we can put together a memorandum between your agency or your department and us, and we can agree to collar some things.

But, we plan on proceeding with our license application, and that would have to be done concurrently, not prior to. In other words, we wouldn't collar goats and bears for three years and wait for the development because we don't see a stoppage unless you have a very strong opinion otherwise that these are going to stop the mobility between habitats.

Mr. Dennis Chester: Yeah, this is Dennis, and I'll kind of step in a little bit here. I've been through quite a number of these analyses, and I guess the question I have to ask and--of course, I've got a bunch of policy and background there that I have to follow.

But, as the analyst, I kind of have to look at it and say what information can I gather that'll help this analysis. And I think bears and goats are two kind of different things to look at here in that respect in that, with bears, like Duff mentioned, we know they're there. We know there's gonna be an impact. We're gonna lose some habitat. There's some potential for attractive nuisances and those kind of things.

But, I don't know, when I think about it, if we go out and collar bears how that's going to affect the analysis, what information is that gonna give me that will really change that analysis in a substantial way. If we collared every bear out there, we knew where every one of them goes and that sort of thing, everything about them, we could maybe say, well, it's gonna move them this way or that way or we expect the carrying capacity to decrease by X percentage of bears.

But, I don't know that that will substantially change the end result of the analysis that will be that, yeah, we're gonna affect bears a little bit but probably not all that much. And you'd have to spend a lot of money to get that information.

Goats on the other hand, I think we do have a little more concern with some of the specifics about where they may or may not be. When I look at goats in this area, I think--and I'm drawing a lot on my experience with the Lake Dorothy project here. We know we've got some habitat. We don't know how

heavily used it is or the specific areas - in this case, where they're using it.

But, the concern I have there with goats is that if they're using--my concern is winter habitat, and are they using some winter habitat that would be in conflict with some of the construction activities like they were with Lake Dorothy. We implemented, or we tried to implement the mitigation procedure there, which was a timing thing. But, that conflicted with the construction season - in other words, low flows. And goats were on their winter habitat while they needed to be out there working based on low flows.

And so, the mitigation ended up being discarded essentially. And so, the impacts that we said weren't going to happen to goats ended up happening.

So, I think there's an example where some of that information could help us say the goats are or are not using this area and how would that fall in line with the construction schedule and some of those kind of things. So, I could see it helping the analysis there as well as any mitigations and whether they were implemented or how that all comes out. Does that make sense? Hello?

Mr. Duff Mitchell: I can understand.

Shawn, back to you.

Mr. Shawn Johnson: Did you have a question or you just wanted me to talk?

Mr. Duff Mitchell: Well, I was--Dennis brought up some view points. I brought out our kind of position. So, I was just looking for some feedback from you. I mean, I know--.

Mr. Shawn Johnson: --Neil has his hand up.

Mr. Duff Mitchell: Okay, Neil.

Mr. Neil Barten: Hey, guys, just I guess from our perspective, reading through the study results and the reports that we have in front of us, I guess what we keep coming back to is one of the things we obviously asked for in the beginning was information on these different species for their distribution, habitat use and abundance, which I don't know that that's something we can really deal with here, anyway.

But--so, when I look at what we asked for and what kind of you guys were gonna try to provide, y'all have done a pretty good job of going out there and getting after it. But, in the end, at this point, it seems we still don't have a lot of information on some of the baseline data that we would--that I guess seems to be part of this process that we don't have, and that is we don't really know much about how bears are using those habitats, especially black bears up at the lake, nor obviously have we even gotten a handle on what's going on with goats and winter habitat use there.

So, those are kind of things that how do we get that kind of data in lieu of, at this point, you guys have put in a lot of time on the ground. And so, the radio collaring was something we were kicking around here in the last few days is that certainly would provide some of that needed information as potentially even motion cameras and potentially hair snares would provide us more information on--at least at the upper lake for black bears and the lower river for brown bears on potentially how many animals we're dealing with in some of these areas.

But, again, all of that gets back to what we see as baseline information. And until you have that information, you really don't know what the impacts might be nor what mitigative [sp] measures you can even take.

So, it's one of--it's kind of one of the things where, like Dennis said, well, if you collar a bunch of bears, what kind of--what are you gonna do with that data? Well, I would say that the baseline information is--you collect the baseline information to gain insight into what the impacts might be, because otherwise, just saying, yeah, the whole thing's bear habitat, you haven't learned anything about the bears nor the habitat use nor their distribution really and how they're using those areas. So, you can't even speculate on, really on some of the issues associated with impacts and mitigation.

So, we're not saying the collaring is the absolute nirvana here, but these are kind of--it's more at how are we gonna get baseline information in addition to what's been collected this far. So, these are kind of topics that we've been kicking around and wanted to bounce off you guys today and see where you are with moving forward with more discussions on how we can collect baseline data.

Mr. Shawn Johnson: And so, just to add on to what Neil just said, as he said, we needed some baseline information to kind of get a better handle on potential impacts. And furthermore, to evaluate construction and operation--and post project impacts, you need to know what you started with.

And obviously, mitigation is something that is used to offset impacts. And so, you really need to get a really good handle on what the actual impacts were before you can really talk about mitigation, because if there's no impact, you don't have to mitigate.

And for example, let's say we can collar a bunch of goats around the lake, and it's really important habitat, and after the project starts, they just move up slope a little bit, and there's no impact. But, on the other hand, what if they just all disappear from the area for good, the project totally displaces them? Those are two different impacts which require two different mitigation approaches.

And that's all I've got to say.

Mr. Neil Barten: So, you guys, this is Neil again. I guess I'm--we've had a lot of discussions here the last couple of days. When we look at the agenda, and number two meeting objective is approval of the final draft, I guess we don't feel that the baseline information that we asked for and you were hoping to collect is complete yet. So, I guess I'm hoping that we can not--I guess I was hoping out of this meeting to get some of the discussions we're having now, some of the ideas that we're throwing out, possible radio collaring, camera, motion cameras, even hair snaring, to get those on the table to discuss how can we meet these objectives and hopefully keep moving forward, as well, because I don't think any of us see any of these as deal breakers.

But, I think to meet the objectives of the study to begin with, there's certainly some gaps that we need to fill. And I guess I would like to hear from you, Duff, and from you, Cathy, if you agree that some of those ideas are worth considering as we move forward.

Mr. Duff Mitchell: Well, I understand that--I'm looking at accumulating data, not for extracting mitigation. That's further down.

I guess I look at it from the telescope from this end - the--we don't want to do any harm. But, the--as we've gone down

this approach, we've tried to analyze the infrastructure and analyze our project with at least an eye and a serious eye on insuring that we have the least footprint or we have the least impact on every organism.

I mean, you can look at it from economics, and you can look at it from environment, and I think they're not necessarily mutually exclusive. And many times, you can make a very cost effective project and still try to enhance the environment or try to have the least amount of impact as possible.

With that being said, that's the premise that we start with. On goats and collars, we understand that there's presence of bears. We also know that bears are seasonal in many regards at the creek.

What we have some suggestions for motion and for snares, I think those could be implemented quickly. We could put those out when we go out on the next trip. I mean, we could easily do that. We could easily put some collars up there--or not collars--game cameras, and I don't know what these hair snares look like, but they can be in place.

The issue is that, today, we have basically three years' worth of accumulated data--or I shouldn't say three years' worth of accumulated data. It took us one year to get the study plans out, which we sent out to everybody. Everybody had a chance to review them and kind of see where we were at. Those things have

evolved, and people's opinions have evolved from those study plans.

But, by and large, we've executed, and we contracted Cathy to do what we said we were going to do.

The baseline data that we have, I mean, there's a question of, okay, is it good enough. It's not a question of whether we have baseline data. We have your data from bear and goat populations, and that's a baseline. It could be argued that it's not sufficient for the project, and I can agree with that, or at least I can agree with that premise.

But, we have gone out and tried to get data. No, we haven't gone out and counted bears because counting bears, if we know that their abundance and they exist, then it's an issue that we have to mitigate our impact of the project, not perhaps for just studying purpose--in other words, I'm trying to find the nexus of what that baseline has done.

So, I don't want to just go out and get information just for baseline for baseline's sake and then presuppose that there's impacts or no impacts. I'm kind of looking at it from more of the holistic view, 30,000 foot looking down, okay, what can be reasonably given without the surety of the data of what this project is going to impact.

That being said, I'm open. I mean, if--you mentioned the cameras, the hair snares and the collaring. Okay, give me five

points on a map where you want give game cameras put up, and I can do that. That's probably pretty easy to do.

I don't know about these hair snares. If we need to put out hair snares, okay, if you think that's gonna be useful.

The collaring we've talked about. We haven't talked about hair snares. Collaring we've talked about. Let's get an agreement if you think that that is useful.

So, I guess I'm open. But, I also have to be judicious on the cost benefit and the nexus to the project, and I'm trying to be sensitive to your needs.

Mr. Neil Barten: Oh, no, Duff, this is Neil. I think--I haven't been involved in all the meetings, but I've certainly been over visiting with you and Cathy several times and been involved in some of these meetings. I personally think you guys have been really easy and good to work with.

I'm--it sounds like you're still--you're also open to more discussions on these issues. But, I guess I'm kind of curious what--you would like to keep this process moving, and I can appreciate that. But, at the end of the meeting today--we already--I have in front of me two proposals that were generated by our research staff on August 17th, 2011, one for goats, one for bears for collaring. But, do we--where do go from here?

I mean, do we get together once Ryan gets back and really sit down and talk about the nuts and bolts about whether camera,

motion cameras and hair snares up at the upper lake and lower river are something we want to start talking about for the spring and summer and/or collaring, or where do we go from here?

Mr. Duff Mitchell: I'm--the answer is yes. I mean, for one thing we need to do is close out what we can. I guess maybe what I'd like to do is agree to disagree or agree that this wildlife analysis review is completely for the data that we have.

I don't mind putting out the game cameras and talk--I mean, I want to learn more about the hair snares because I just don't know what's involved. And I don't want to injure animals out there, either. So, maybe they're passive, maybe they're traps, I don't know. But, I want to learn more, I guess.

The collaring, I think that is a financial decision that we need to decide, okay, what is realistic and what we need to do and we write you a check and you go do it. I'm not trying to spend money unnecessarily, and I like something what Dennis said - what is the value of that data?

So, I got those proposals. I've talked to Ryan on the phone a couple times and he said, well, we might have a couple collars coming up, we might be able to get something here, we might be able to order them in. We've never been able to pen down exactly what--I mean, I don't necessarily agree with, well--like, for example, I think the issue was there was eight goats

that wanted to be collared or something. I'm trying to recall. You've got it in front of you. How many goats was that one proposal?

Mr. Neil Barten: Let me see, because I haven't looked at these myself in a little while.

What I see here is--yeah, it looks like 15 collars is what I see here. That's--yeah, that's what I see on--there's actually maybe several different--yeah, that's what I see here just by taking a look at this.

Mr. Duff Mitchell: Okay, Neil, and--okay, so that's fine. I appreciate that.

But, one of my conversations with Ryan was is that, okay, so we agree to do eight goat collarings. What if we only find three goats in Sweetheart Lake? I mean, we really don't want to pay for studies in Tracy Arm [sp], and he agreed.

Mr. Neil Barten: Oh, no, no, no--.

Mr. Duff Mitchell: --He--I understand.

Mr. Neil Barten: No, Duff, what--it seems to me, what we do know about goats is they have a fairly high fidelity to--they don't move a ton. So, if you have goats that are in the summer and fall on the mountains in the watershed of Sweetheart Lake, there's a pretty good likelihood they're gonna winter in the watershed of Sweetheart Lake. But, yeah, you wouldn't want to go over to Tracy Arm and collar goats on the chance that one out

of seven might go to Sweetheart Lake. That wouldn't make any sense at all.

Mr. Duff Mitchell: Right. And that's--and Ryan's not here, but that was similar of the conversation is that, as someone who's writing the checks, we want to be very judicious in the nexus to the project [unintelligible] project, not for something else.

And so, there's always been a question, well, how many goats can we find in Sweetheart because I think some flights have gone out there even in the summer and spotted very few.

But, that being said, I see us paying for that additional information [unintelligible] that out with you guys as perhaps something additional to what we need to do here.

My other issue is that we're gonna file a license application here soon enough. Now, that doesn't mean that we can't continue this collaring and the study while we file the license. But, I don't want to have loose ends on my project where I'm holding out for a period of time waiting for the data and information from the collaring to come back that could stall the project a year, two, three, four. I'm trying to avoid that.

Ms. Dianne Rodman: Hey, Duff, this is Dianne Rodman. I would say that FERC doesn't like that position, either. We'd like to have the information in a neat package either in the filed application or very shortly thereafter.

We do not want to delay the NEPA analysis for incoming studies if at all possible. We are definitely interested in expeditiously moving on the application.

Mr. Dennis Chester: Yeah, and I guess--this is Dennis-- I'll add something I thought in analysis is--on the goat thing is there's a statement in here about mitigation measures for last winter range, mountain goat habitat will need to be determined. And, basically, from an analytical standpoint, that's--can't really judge the impacts if you don't know what the mitigations are. Like I said, and gave the example at Lake Dorothy, we had a mitigation that didn't work, so the analysis was incorrect in that standpoint.

So, from this analysis document standpoint, we pretty much need to know the information before it can be completed, the analysis can be completed. And like I said, mitigations need to be part of that.

Mr. Duff Mitchell: Well, I'm back to square one then because we've analyzed--we know there's a presence of goats, but we haven't found any trail scat or hair based on us running around. And we can add that into the report in the lower Sweetheart Lake where the lake's gonna be inundated.

If the lake raises 60 feet or 85 feet at its highest crest, and a bear and/or--well, I don't want--bears go more toward the shore, but the goats are higher up, they do go--from what I

understand, they do go to the shoreline, but they're primarily at higher elevations. How is that gonna impact their habitat?

And I guess I don't want to chase boogie men. I want to get something solid. But, I also don't want to slow my project down. So, I'm trying to do a combination here of how do I serve the needs of the agencies in a pragmatic and also collaborative manner and also not hold my project up on a perhaps, maybe or a speculation that there might be something out there.

I have to go from, kind of like shift from a known point. And as I understand this--and I'm not talking scientifically. I'm just talking from just [unintelligible] bears, we've tried to mitigate every activity that we can do in the construction of the powerhouse and in the tunnel.

We--Shawn brings up a point where we need to describe or maybe discuss a little bit on the construction and operations. And I think in our plan, we talked about that, but maybe we just need to highlight that better of how we're trying to mitigate the bears and whatever the tunnel is gonna be underground, and that's where most of the noise and most of the work's gonna be. And there will be vibratory activity and blasting activity, but it's 500 to 1,000 feet below ground. So, it's out there, but we know what those impacts are based on mining.

The fact of raising the lake I think is the issue at the lake because the dam is going to have a very small area at the

head of the lake or at the mouth of the lake that will have construction activity in there for one summer season, one construction season, may go--may start in the winter, may go through a summer construction season, and then it's over. And so, there will be a temporal impact on any bears in that area, or it may attract them, and then it goes back to our bear attractive mitigation plan.

So, I go back to the thing is that we know that there's bears present in both locations, and we think there's goats present at the higher elevations. We don't know what the number is, and I haven't tied how--I haven't tied in my mind how the elevation change in the lake level impacts the specie except for maybe.

And I don't know if that's a risk that we can agree to take based on the scattered numbers and the information we've already developed. If not, where do we go from there?

Mr. Dennis Chester: I guess, Duff, I can--from the Forest Service standpoint, I can kind of tell you how it particularly goes. I'll use the goats just for the example here is that you pretty much--we've got indication that, A, the goats are there and, B, that there's suitable habitat there. So, we pretty much make the assumption that the goats are there and it's occupied habitat and go from there to, okay, how much of that habitat is lost, that's a direct impact.

The Forest Plan has some mitigations that we would apply in that case. For example, for developments in their winter habitat, there could be some timing restrictions. And that may or may not work, and it would certainly be helpful if we knew that upfront whether that--implementing that kind of a mitigation would be suitable to the project or not. And if not--I mean, because really what NEPA is, it's not about not having impacts. Impacts, while they may not be desirable, are certainly--any time you do a new development, there's gonna be some impact.

NEPA is about disclosing the impacts and hopefully mitigating the worst ones. And that's kind of what the NEPA process is about is disclosing those--the decision maker's gonna make a decision that this impact is or is not acceptable. And if it's not, then they'll work--revise the project until it is or the project won't happen, whatever.

But, on the other side is that these impacts are disclosed so that everybody can see them, and the decision maker knows about them when he makes his decision or she makes her decision. That's pretty much what the process is about.

And so, in this case, you would say, okay, we're gonna impact goats, and this is what we're gonna--we're gonna have this amount of impact and these mitigations. And some of that's based on assumption of whether they're there or not.

And I can see some people aren't comfortable with that, and there's good reason for that. But, at the same time, my bosses generally aren't as willing as you are to say, yeah, we'll go spend some money on this.

If I don't have a pretty ironclad reason, an issue or a Forest Plan Standard and Guide to go out there and spend money on surveys, then I don't get to do it, basically. And so, I have to make those assumptions.

Goshawks are an example of where we have a pretty strong Forest Plan Standard that says we'll--if we're gonna tear down habitat, we're gonna go out and survey before we do it. And so, that's why the goshawk surveys were done where say goat surveys weren't done to the same degree.

I think I can make a better case for goats going out and spending some money than I can for bears. But, bears are the same way.

We're gonna assume that they're out there and that this project is gonna have some impacts. We've got a pretty good reason for assuming that, but we don't have the level of detail I think that Neil and Shawn have been discussing that these are the paths they use, and if we avoid this path, maybe we could avoid the impact.

I don't typically get to do that. And most projects--I don't think even our big timber sales generally go to that level.

So, I applaud you for being willing to listen to this and take it into consideration, but I--from my history, I don't generally get to go to that level. Does that make sense?

Mr. Duff Mitchell: Yeah, I appreciate it, Dennis.

And back to Neil and Shawn, I have to answer to people why I spend money and whatnot of why I'm doing some things. And I'm supposed to be judicious with our funds. And I just need to tie things together why I'm spending money in doing things.

If we agree that there is habitat loss of goats, let's just go to--let's just say there's three to four goats that we've seen in there, I think one survey showed maybe some more than that. So, let's assume, worst case scenario, that those goats are impacted.

If we go with that worst case scenario, then let's go down the line on the NEPA what's the mitigation rather than trying to determine further baseline if in fact there is--and that may be a failsafe of, okay, like Dennis [unintelligible] pursuitable [sp] habitat and there's presence of goats. So, then what?

Should that money that's being spent for the mitigation measures for collaring, is that the mitigation measures for the

cost and/or what else do we need to do? So, what would you suggest we need to do?

Mr. Neil Barten: Oh, sure. Hey, Duff, this is Neil.

Mr. Shawn Johnson: First we have to unhit the mute button.

Mr. Neil Barten: Yeah, you were on mute, and I was trying to talk to ya, but you didn't listen.

Mr. Duff Mitchell: Okay.

Mr. Neil Barten: So, you bring up a good point about if you just called it all goat habitat, say that there's gonna be an impact, and then what is the mitigation gonna be, and is that gonna be to collar goats?

Well, I mean, this stuff is kind of new to me, and I don't know if that's an approach you use or not. But, I would say, I think as the wildlife managers and stewards of the wildlife resource, we have to pass the red face test, so to speak. And our job is to look out for these wildlife species.

So, for us to look at any project and say, yeah, it's gonna affect martin, mink, moose, goats, bears, whatever, what are we gonna do about it, that's--we know it's gonna affect them, let's call it, good - that's really not--you're not getting any information on the habitat use nor the distribution or anything about these species.

And you may find that in trying to learn and whatever method you use, whether it's camera traps or hair snares or

collars that, indeed, there's some really hot spots on the landscape that these species are using that are gonna be impacted. And that gives you insight into what potential impact on the population level or at least individual level you're gonna have, and that may or may not be a problem.

So, to just say, well, it's gonna affect goats, you--we don't have any idea right now to be honest whether there's any pockets on those hillsides that are really critical goat winter habitat or not. And I think it behooves us to try to understand that if we can.

Now, you guys have already done some work, and we're suggesting additional methods that we might be able to use to get more resolution on that. But--anyway, so this--that would be my approach from a wildlife biologist is that's our job to be looking out for these wildlife resources.

And from a project standpoint for you guys, I mean, one of the things we want to do is try to get baseline information on what these species are all about in these areas. And I think it's valuable to know what habitats are using and what their distribution is aside from just calling it all goat habitat and saying, yeah, there's gonna be impacts.

But, to further that, your idea to cart blanche say it's goat habitat, now how are we gonna mitigate it, and the mitigation part is radio collaring goats to try to understand

their habitat is part of the mitigation, I don't know. I don't know how these projects necessarily work in that matter.

Ms. Dianne Rodman: This is Dianne Rodman. That's an approach that has been used a couple of times in ESA. And I'm sure you're familiar with that scenario that there's--well, perhaps not Alaska so much--a plant.

And the habitat is suitable, but the growing season, the blooming season comes by and you don't see any flowers. But, still, there's that habitat.

And so, mitigation may be developed thinking it's suitable habitat, maybe if it's an annual or something, next year, the plant is gonna expand into that habitat. And so, say that land is gonna be flooded, so let's protect X many acres of similar habitat on the other side of the reservoir.

In the case of--in this project, I know Dennis was talking about Lake Dorothy and that the timing restrictions on construction didn't really work out because the licensee really needed to build the project during the winter. We're talking goats and bears. Is there any likelihood that further information would say permit or result in timing restrictions that are easier on the developer?

Or, are we still--or, will we still get recommendations for no, either no construction or no loud construction at--between month A and month B? If we got further information, could they

say, oh, you don't need to have no construction for six months, you could cut that down to three critical months? Or, is additional information not gonna change that recommendation?

Mr. Neil Barten: Dianne--?

Ms. Dianne Rodman: --Uh-huh.

Mr. Neil Barten: Yeah. I guess that I'll give you, I'll just give you an example in Berner's [sp] Bay where we've done a brown bear project a few years ago and just finished it up regarding a potential road that was gonna go through up toward the Katzaheen [sp], and it may still happen.

But, in that case, we collared a whole bunch of bears. And again, I'm not advocating that we have to collar. We're just-- we're throwing these ideas out this morning about how we could get some more of this baseline info that could be pretty valuable in us kind of getting an idea what the impacts might be.

But, in Berner's Bay, we collared a bunch of bears, and lo and behold--we could have said offhand without a doubt that Burner's Bay was important for bears. In the lower part of the river, the bears definitely--people see them there all the time.

But, through the process of collaring and studying that system, we discovered that, boy, when you get into the spring of the year from about when the bears come out of their dens up until mid to late June, that is an absolute critical time of

year for the bears to be down on the flats right at the mouth of Burner's Bay. And what they're doing down there is kind of a double--kind of two things is, one, they're feeding on freshly emergent sedges, which are really high in nitrogen and protein, and that's what they're feeding on right out of their den. But then, it's also an area that's critical it seems to us for breeding purposes.

I mean, during June and early July, bears are breeding. And almost every bear we collared at some point was down in that area at that time of year.

So, the window of when that lower bay is so important is-- really, the spring of the year is the most important we discovered through that. In the summer and fall, as fish come into the rivers, the bears scatter and go back upstream and fish where they can catch fish.

So, anyway, so in that case, going into the study, you could have asked your same question, is the data you're gonna get gonna be helpful in us understanding maybe timing windows and that kind of thing. It may or may not. It depends on what you find out.

And, again, that's really getting back to baseline data and trying to understand these different wildlife species and what the habitat is and their distribution. What you get out of is you get baseline data that may be really valuable for decision

making or it may be pretty much what you would have guessed was gonna happen in the first place.

Ms. Dianne Rodman: Well, that's good, I mean, because that--to me, that's clear indication that Duff might take to his money people that these studies may make life easier in the long run - possibly not, but they--there's a good chance they would. Certainly, construction timing restrictions can be expensive.

Mr. Duff Mitchell: Absolutely.

Ms. Dianne Rodman: Yeah.

Mr. Duff Mitchell: Absolutely. And we have bears during fishing season. I mean, we're already trying to get the--in the best of all worlds, we would prefer to get this license this year so that we could mobilize this winter, get [unintelligible] started or early before the bears emerge. And so, we would already be up part of that tunnel, and so that would be most of the construction activity during the tunneling.

On the dam side, we don't want any restrictions. But, then, also, Neil and Shawn and Stephanie, from what I understand, the mouth of the creek where we would be doing the dam infrastructure is not critical bear habitat. Is that correct? Because everything I have is on the hills and everything that's closer toward more toward upper Sweetheart Lake, that direction?

Mr. Neil Barten: Yeah, Duff, you just asked a very good question. And that, again--maybe some of the additional data we could collect could provide some insight into that outlet of the lake, is it critical bear habitat. Those are the kind of questions we get asked by people who are concerned about the resources.

And as stewards of the resource, we feel like we need to try to understand some of that better, and we're trying to get at how we can actually get that in addition to what you guys have all done. I don't know.

You look at--there's really no salmon up there, obviously, for bears to be fishing at that outlet stream. Maybe travel corridors are pretty important there. But, we really don't know. But--.

Mr. Duff Mitchell: --Well, and, Neil, this goes back to some of the things--I'm only educated because--when I say educated, I have the known--I've lived in Juneau all my life, and I've walked this entire lake or where you can walk it or taken boats around it. And what we have is the Grand Canyon at the mouth. And the bears could cross in the shallower area, or if they're not careful, they'll get swept over and get taken down the falls.

So, what most bears do is they don't cross at the mouth. But, both sides of that [unintelligible] side or I should say

both sides of that stream bank are pretty darn steep. I mean, it's heavily--in some places, it's vertical. So, in the places where it's not vertical, there may be a game trail that a bear could use to move back and forth.

It looks to us that they're using the higher alpine areas where it's not as steep. But, that doesn't mean that we wouldn't interrupt a bear or two during the construction season.

But, being out there, I'm not seeing bear scat at the mouth of the creek. I've walked all over up and down, and I don't see bear tracks, either.

I do see bears in more of the what you call shallower or I should say lower--they're not going on the--they're not on the steeper sloped areas. I've seen them in more of the flatter areas of Sweetheart Lake.

But, that being said, what I think--there's risk here. You're not gonna have a perfect risk, I'm not gonna have a perfect risk scenario where that risk is zero.

I think where I'm trying to go is where can we realistically agree of some measures that are generally acceptable to all parties.

Now, if you're gonna--so that you, one, can meet the red face test and, two, I can meet the common sense test from a construction and from a developer point of view. And I think that's where we have to meet up in the middle.

I don't know what additional data is going to do to help us at this point. And we could study things for five years and still end up with where we're at today with really no additional information.

I mean, if we put game cameras out there for three years and we never got a picture of a goat, that's--like you said at the earlier meeting, that doesn't prove that goats don't exist because it's still suitable habitat.

Mr. Shawn Johnson: And we saw lots of goats that would tell us something, so--I'm just sitting here kind of wondering how we can move forward with all of this and the process will work. And, obviously, I totally understand your desire to get the license application filed--you said this year?

Mr. Duff Mitchell: Yeah, yeah. We're looking at moving expeditiously. We don't want to be hasty, but we want to be proactive, and we want to get the license filed[unintelligible].

Mr. Shawn Johnson: Okay. Yeah, I understand that. And I know nobody, you, the agencies, FERC, we don't like--Dianne already said--things hanging out there.

But--so, I was just wondering if, let's say we have more discussions with you, Duff, and get Ryan involved, and we all come to agreement that, yes, we're gonna maybe collar some bears and try to collar goats if that's possible, throw out some cameras, whatever--so, if we agree that that's needed and that

it's gonna be done, and I know you already said you want that to happen concurrent with filing your license, is that--can we do that, Dianne? I mean, if we feel we still need some information and they're gonna go out and collect that information, can they still proceed with their license, and we'll just agree that, okay, we're gonna get the information and do whatever with it once we get it or--because like Duff said, he doesn't want to study for three years and then file.

Ms. Dianne Rodman: Yeah.

Duff, are you thinking about filing after the end of this field season or in the middle of it?

Mr. Duff Mitchell: I have directions to try to file it as soon as possible. So, it may be in the middle of this field season, not at the end of it.

Ms. Dianne Rodman: Ooh, ooh. Huh. Okay.

If the field information came in like say in, what would it be, September, October would be the close of the season or earlier at that elevation?

Ms. Cathy Needham: I think it would be earlier.

Ms. Dianne Rodman: Okay.

Mr. Duff Mitchell: We typically close down the lake operations in September.

Ms. Dianne Rodman: September, okay.

Mr. Duff Mitchell: It's snowing in October. I mean, but remember, most of our operations up there have been--and it's because the icing conditions and getting aircraft in and out of there in inclement weather. It's--sometimes, the planes aren't gonna fly for a week in October, or it could be as early as October.

The issue that we have is that most of the work that we've done up there has been in conjunction with aquatics. There's gonna be some aquatic work done up there, but not of a full field season. And that's where we're at.

I mean, we're doing things in conjunction with multiple studies and multiple disciplines simultaneously. So, I'm not so sure that we're gonna have a whole lot of activity up at the lake. I was hoping to wrap up the wildlife aspects--I think I've got the cultural wrapped up, I've got the botany, the wetlands wrapped up.

I was concentrating more on my aquatics, to be honest with ya. I thought, based on my analysis, that we could come to some terms of mitigation or terms of agreement. I guess underneath the ALP process, there's nothing to preclude the Forest Service, Fish and Game and us agreeing to terms and conditions now. Is that correct under the ALP?

Ms. Dianne Rodman: Yeah, uh-huh, it is.

Mr. Duff Mitchell: So, we could literally come up with-- I'm gonna call terms and conditions--a memorandum of understanding is that Juneau Hydropower agrees to X, the agencies agree to Y on this particular wildlife discipline. If that means that for Neil and Shawn for the red face test is that we're going to accumulate more data for research purposes for Fish and Game to further analyze, that data would be accumulated. But, it may not have a nexus back to the project if we've already agreed to some terms and conditions.

Ms. Dianne Rodman: Well, you'd have to get the agencies to agree to that. And I'm not familiar with Alaska Fish and Game, but I do know other states will go we don't like that, we can't--without the FERC process, we can't tell if we have any leverage whatsoever.

Mr. Duff Mitchell: And that's why I'm--that's why I'm saying negotiating. I mean, right now, it could be argued that there might be a need for goat collaring and bear collaring, but it may be something that we agree to as a part of that mitigation measure. I mean, it is a cost.

Ms. Dianne Rodman: Yeah.

Well, Dennis, you and probably gentleman from ADFG, you mentioned timing restrictions for Lake Dorothy. What other forms of mitigations were appropriate, or what was required?

Mr. Dennis Chester: That kind of comes out of our Forest Plan, and that's you basically either avoid putting facilities in--within a mile of goat winter habitat, which was not really an option in this kind of a project--in other words, with the timber sale [sp], you can kind of avoid or move it around. With this, you can't. It's got to be where it's got to be. And so, then timing restrictions come in as a potential mitigation there.

Those are basically the--kind of more or less specified in the Forest Plan. It mentions you could do something else, but that's--we haven't done that. So, I guess the Forest Plan leaves it open to other options, but those have typically been what we use.

An offsite mitigation they use for aquatics, I don't think we've ever used it for wildlife where basically they say, okay, \$10,000, we're gonna go protect--I think they did this in Lake Dorothy, also. They had a fish population that they wanted to protect. They couldn't with that project, so they gave them some money, and they protected some habitat somewhere else.

Ms. Dianne Rodman: Well, as you probably know, the Commission gets nervous about that.

Mr. Dennis Chester: So, I'm just saying those may be other options--.

Ms. Dianne Rodman: --Yeah, uh-huh, sure.

Mr. Dennis Chester: My concern--I guess the question I kind of have is it sounds like we're somewhat talking about 4E and maybe 4J conditions here and how--.

Ms. Dianne Rodman: --You're thinking of 10J--.

Mr. Dennis Chester: --Right, 10J for the fishing game and 4E for us. And I know we haven't come up with those yet, and those are kind of some of our mitigations for the project. So, I'm kind of wondering how that all fits into this process.

Ms. Dianne Rodman: Well, for a--an ALP, you should--the Forest Service should be providing draft 4E's when the draft application is provided. And of course, the Forest Service said they couldn't in this case.

And are we talking about a second draft, Duff?

Mr. Duff Mitchell: We are leaning not to.

Ms. Dianne Rodman: Okay, all right. Huh, okay. Hmm, that--.

Mr. Duff Mitchell: --It depends, but we're leaning not to.

Ms. Dianne Rodman: Uh-huh, okay.

Mr. Duff Mitchell: Because of the timing.

Ms. Dianne Rodman: Yeah, right.

Mr. Duff Mitchell: I mean, we're trying to--we feel we've got study reports out there, and we have--some agencies have been very good at responding to them. And we've taken those study reports and tried to address all those issues.

If agencies haven't responded to the study reports, it's kind of like it's hard to guess at what they're doing. There's plusses and minuses for filing another draft license application.

Ms. Dianne Rodman: Yeah, and one of them might be that you get 4Es that are a surprise.

Mr. Duff Mitchell: Uh-huh.

Ms. Dianne Rodman: So, that's always the nice thing about having drafts.

Okay, and in the case of the state of Alaska, what kind of mitigation were you thinking of that the state could inform?

Mr. Shawn Johnson: First, I don't--first, as far as cash, we don't want that--like you said, it makes us nervous, and we don't want to go that route. And I actually don't have--I have--yeah--I have very little experience with the mitigation end of the FERC process or the hydro--licensing a hydro project, so I'm certainly not the best person to speak to about what we would be looking for as far as mitigation goes.

And it seems like one of the questions here is if we agree to collaring for collecting additional information, is that for the purpose of getting baseline information to inform us on impact analysis, or is it a term and condition, or is it a mitigation?

Ms. Dianne Rodman: Ooh, wow. It's probably not a mitigation, I don't think. I would prefer that if there was further studies at this point, that it arrived in time to plug into the NEPA analysis so that the commission has the--that information to make our decision and so that the Forest Service has the information to make their decision, and so that as we do NEPA, we can recommend appropriate mitigation.

Now, if we go with the approach that Duff suggested and that I mentioned has been used for ESA, the agencies, all you all could come in with conservative recommendations that would cover any eventuality. And that's kind of a risk that Duff would take then because conservative may be--work out to be expensive or extremely cumbersome to build a hydro project. And that's one of the advantage of further information that the agencies may be able to cut down their recommendations and tailor them.

Again, I would prefer not to have post-license studies. It is possible. If the agencies--if the--there is a situation in which we have an applicant that has done studies--the applicant has done studies, we were fairly happy with them. And we had an agency that was unhappy, and the applicant came back and said, okay, we'll do some more studies before construction, and we're gonna have a study plan, and it's gonna include contingencies

for what if the species occurs there would be adversely affected.

So, I would definitely prefer to have that information upfront. There are instances in which, gosh, gee, there's just no way out of it, we're gonna have to have some post-licensing studies. But, the Commission really does not like post-licensing studies.

What if our criteria is could the study have been done before the application was filed, and we are talking about studies that could be done before the application is filed. Some studies can't be done until you actually build the project, but we're not really talking about that.

So, I'm not giving you an answer, but I'm giving you some things to think about.

Mr. Duff Mitchell: Okay, let me toss something out. Neil and Shawn, if we--this is April, and we're--the lake is very difficult to get in right now because the only way you can get in there is a helicopter at this point. It's still frozen up.

If we installed game cameras and we looked on a map and said, okay, try to put one here, try to put one here, try to put one here, and we installed game cameras at the lake in that one area--and I'm thinking the far end of the lake, Neil, because I don't want to get someone in a land slide or an avalanche chute [sp] area at this point of the season.

But, if we put some game cameras up there, and it's very easy to put--well, it's not easy. It's easier, relatively speaking, to put game cameras down at--for the bear areas around Gilbert Bay. And we decided on there.

We could have data between April, May, June, July, which is the emergence of bears. That would provide useful information, would it not?

Mr. Neil Barten: Oh, I think additional--because when I read through your reports, I mean, it seemed like you guys bumped into bears a fair bit, at least up at the lake. That was what I was reading from yet even a picture of a bear, a black bear you'd run into up there.

But, yeah, I think not only bears, but we--again, this is all about getting as much information to help us kind of anticipate what some of the management issues might be. And I guess the reason both cameras and possibly hair snares would be valuable is because let's just say for hair snares, which we've been kind of kicking around those ideas, if you were to use the hair snares up at the lake and put several snares on each one of the main game trails--and again, I haven't been up there enough to know what that even means. I don't know what the game trail system looks like up there.

But, if we determine that through DNA analysis that we're talking 20 different bears are forging in that upper end of the

lake in those flatter areas in a given year, that's pretty important information because we've already really restricted hunting of bears just to the south of that because of concerns. And that would help us kind of anticipate some possible even additional management scenarios if indeed the hunters are having less success because the bears in that area don't seem to be as prolific as they used to be. And maybe that south end of the lake or the far end of the lake is more important than we even know.

But, the cameras themselves, yeah, you might get pictures of bears that are different colors, different shapes and sizes. You might even get photos of goats.

So--and we could easily help you come up with the strategic places to locate those things. And I would think, just at the upper lake, if you had four or five cameras, that could be pretty darn valuable.

Ms. Dianne Rodman: Okay.

Mr. Neil Barten: And then, my next question is, so we have four or five cameras up at the upper lake. We could probably put four or five cameras down there in Gilbert Bay in different positions overlooking the tile [sp] flats, looking at the creek--I mean, some of that's pretty heavily wooded, so you don't get much distance unless you have it more in an open area.

We do have one camera that is time sensitive, taking pictures of the falls. We haven't got any bears in there yet, but it's time driven. So, it just means that nobody's--no bear's been in the creek at noon from last November to March where they're probably hibernating. But, we do have a time camera, not a motion camera, at the falls.

But, going back, if we had--say, so if we had four or five cameras at the lake, four or five cameras at the Bay in different strategic locations?

Mr. Neil Barten: --Oh, I think--I mean, I'm not motion camera expert. But, we certainly use them for a lot of different studies around here to kind of give us--we use them on wolverine traps, we use them on bear snares, we use them for a number of different reasons to kind of give us an idea of what's coming to these sites. We use them on actually wolf--we've got hair snares on Prince of Wales where we have cameras backing up the snares so we can see what color the wolves that come to these sites are.

So, I spent a bit of time at--down at Sweetheart Creek during the fish season. And, yeah, I would think four or five cameras there would be pretty good coverage because you can get away from the creek itself and cover some of the main trails that come and go from the day bed areas, that kind of thing. So, I think that would be pretty sufficient to, again, just

gather additional information on what we're dealing with on timing and when they're using these habitats and potentially-- you're not gonna get abundance, but you can get an idea of how prolific these areas are with bears at certain times of year.

Mr. Duff Mitchell: All right. Well, I don't mind doing that, and I don't mind talking about towering for mitigation and for whatever measures. I mean, I'm just gonna go back to my--my premise is that we may agree to disagree. I think we've deliberately not waited for agency comments, but we've deliberately analyzed this to try to mitigate the impacts of all critters, or at least we're trying to.

And I don't know what we could do for agreeing on some terms and conditions of going forward. I'm not gonna be able to please you for all the baseline data you want. I can tell that right now. It just ain't gonna happen.

So, what element of risk are you willing to accept and/or what 4E conditions do you see coming out as far as timing restrictions and other things that we need to be prepared for? I mean, I'm being told to file license in July, maybe August at the latest.

And the other issue I want to raise, Dianne, is that we're looking at moving quickly to construction. Juneau's electrical power sales went up 10 percent last year.

The quarterly statements to the RCA prove it. It doesn't matter what anyone says or has opinions otherwise. It's just hard data - shows that there was 10 percent increase in sales last year.

And so, we're looking at trying to move this project along. And so, we're not gonna have a big lull. Maybe in some projects, they get a license, and then they don't construct for three years. We're not gonna have that, probably enjoy that window.

Ms. Dianne Rodman: Okay. That's good to know.

For the timing restrictions, are these timing restrictions typically or all construction or only certain types of construction like say noise or something like that?

Mr. Duff Mitchell: Well, I think at Lake Dorothy, wasn't it that it was not supposed to be constructed within a mile of goat habitat at certain periods of time, Dennis?

Mr. Dennis Chester: Well, basically, the Forest Plan says try and avoid any kind of developments in that range. But, that's why I said you can't--it's not--for a project like this, you just can't meet it.

So--but, the stuff that was the issue there was the building the dam primarily. Of course, they were building a road, too, which this project doesn't have.

But, yeah, I mean, you were talking about potential blasting and heavy equipment, pretty constant noise level basically right at the base of the cliffs that were the habitat. So, yeah, I mean, that was the timing restriction for winter habitat. But, that also, like I said, overlapped with low flow when they needed to be there.

So, from that standpoint, if--I wasn't there at this stage of the game for that project. I came along at the end of it. And I guess it just would have been good to know at this stage that that wasn't a reasonable mitigation so we could have tried to come up with something else.

Ms. Dianne Rodman: Well, what I was thinking, I don't know if this will work, but I've often seen timing restrictions on construction activities. Would--Duff, do you think it would help if you sat down with the Forest Service biologists and said, okay, this is how you build a dam, and this is the equipment you need, and this is typically how long that equipment is gonna be operating on so that the Forest Service could possibly have more specific restrictions, not just don't, like don't make a lot of noise, but don't operate this, this and this in this season so that you could work around--you can get less noisy things done at the critical time of the year and facilitate building the structures? I mean, this is all assuming that we issue a license, but anyway.

Mr. Duff Mitchell: Well, I think that's possible. I mean, the game plan is is to drill--and again, the unfortunate issue we have is we supply a license and we don't know when we're gonna get the license. And so, that also impacts the timing of the construction.

Ms. Dianne Rodman: Sure, because we can't--we have no idea when the Commission will issue its decision. We can't tell you when the Commission's gonna issue the decision. I mean, we don't even have a final license application at the moment.

Mr. Duff Mitchell: Right, right.

So, I guess let me answer the question is that it would be preferable for us to go in there late fall, put the dock and the road in and then drill the tunnel all winter long, the following spring, summer, build the dam.

Ms. Dianne Rodman: Ah, okay. So, spring summer would be when the dam is built.

Mr. Duff Mitchell: Right.

We're building an RCC dam, and we don't want to have it particularly in freezing cold weather. Now, we--.

Ms. Dianne Rodman: --That's true, yeah, because it's not gonna set properly.

Mr. Duff Mitchell: Well, we can adjust the mix, but it's also a remote site, so what if your mix is wrong? I mean, there's issues of constructability that come into play.

The other thing as far as timing is that--and we're not trying to meet this window, but just so people understand the economics - if we were to have any construction done this season or in 2013, it's probably worth about \$12 million to the company just on production tax credits.

Now, we're not working to get production tax credits. But, I just throw that out for everybody understand that timing has-- timing and things have monetary consequences.

Ms. Dianne Rodman: Okay.

And this might, again--agencies--if you talk to Duff and you're thinking about mitigation measures, you might want to schedule a few meetings to talk about exactly how--whether there's any possibility that your needs and his can be tailored without, of course, tying either of your hands because if he has some--like if they're working on the tunnel and all of a sudden they find out that the bedrock is not what he thought it was, that would throw everything in a [unintelligible], really.

Unidentified Man: Right.

Ms. Dianne Rodman: So, I urge you to see if there's any communication that can go on now that can get you half the way towards your goals.

Mr. Duff Mitchell: Well, I'm willing to do so, but it takes multiple parties to agree. And I would also--because of our timing thing, it seems like sometimes we have a meeting and

then we don't meet for another three months. And I would almost meet weekly until we have--weekly set time, so every Wednesday at nine, we update this with additional work or whatever we come back to get this particular issue hammered out.

Ms. Dianne Rodman: That's not a bad idea.

Mr. Duff Mitchell: And on our next trip--I'm actually sending some people out early next week. I don't have these ten game cameras or--well, I've got to try to run around and accumulate five game cameras before now and next Monday for the Bay. I won't be able to get the like ones till later.

Mr. Neil Barten: So, Duff, this is Neil again. Do you have cameras, or do you need to buy cameras?

Mr. Duff Mitchell: I need to buy cameras.

Mr. Neil Barten: So, that would be--you should probably--we don't have to talk right now. But, I mean, in the next few days--we use a lot of different game cameras, and there's some that are better than others. So, rather than you--I don't know how much you know about them, but rather than you running out and buying ones that may not be the best ones or that are too expensive and don't do any better than the cheap ones, I can look into this very quickly and get you probably what you want to use.

Mr. Duff Mitchell: Well, if you send me the nomenclature and the equipment, I'll go on Amazon.com and have them FedExed.

Mr. Neil Barten: Yeah, I can look into that for you because, again, we have those cameras on many of our projects.

Mr. Duff Mitchell: Right.

And, guys, I mean, I understand agencies' needs. I'm just trying to move swiftly where it's reasonable. And I--it's frustrating probably for all of us to some degree, and you can probably sense some of the frustration.

We're trying to make sure that we don't impact bears and goats. And in our heart of hearts, we don't want any impact. And that's where our position starts from.

And--but, by the same token, we want to be able to move down--kick the can down the road, so to say. And we've been doing this for a couple, two or three years, so maybe it's time just to roll up the sleeves and see what we can agree--to agree to.

And, Dennis, I don't know what your authority or what we need to do, and then, Shawn, the same kind of question to you is what--is this [unintelligible] Dianne and I are talking about as far as associating to get something worked out ahead of time without a perfected agreement - in other words, we understand that there's people that have to review this and have to agree to it. Is it a reasonable approach?

Mr. Shawn Johnson: Oh, I'm sure Neil and I will be discussing it with our superiors ASAP and see what their

thoughts are. And I'll obviously--regardless of what we agree to, there's two other agencies that are missing from these discussions, unfortunately.

Mr. Duff Mitchell: No, I agree. And the National Marine Fisheries, they're reviewing the wildlife review and also the threatened endangered species component from the marine element, correct?

Mr. Shawn Johnson: Yes.

Mr. Duff Mitchell: And there may be restrictions of--and they're normal. I mean, we understand from our dock and road constructor who does multiple docks every season all over the state, is that there's restrictions that when you see a stellar sea lion or a humpback whale, you have to cease pounding into the ground with the vibratory hammers or whatnot, and there's measures already kind of like in the books, so to say. And so, we also have to have their buy-in, too. I agree.

But, an agency deal between the Forest Service or an agency deal between the Fish and Game doesn't necessarily need to be approved by other agencies. It's just that those agencies also need to buy in to whatever they agree to.

Mr. Shawn Johnson: Yes. Obviously, from our perspective, we've been talking about goats and bears, so that's kind of where we're--what's near and dear to our heart. And whales,

bald eagles, goshawks, that's--while we care about them, it's not our main emphasis here or our authority.

Mr. Duff Mitchell: Right.

And, Cathy, we have a letter from US Fish and Wildlife Service, right, on T&E species?

Ms. Cathy Needham: Threatened and endangered species, but they also have jurisdiction over migratory birds.

Mr. Duff Mitchell: Right. Right.

And our--and just so everyone knows, our way of dealing with migratory birds is the avian standards, the APLIC [sp] standards of 2006 do call for a bird measure of spacing your wires for wingspan. Our analysis is that the wingspan of a eagle is larger or can be larger than the wingspan that they put on APLIC.

And so, just for the record, we're talking about the coastal road of burying the power line, which is extremely expensive from the powerhouse to the dock. And I point that out just to demonstrate that the standard is X, and we're going above the standard to ensure that we don't have avian strikes. And--.

Ms. Cathy Needham: [--Unintelligible] stuff you need to print out that you have overhead lines on Port Snettisham Peninusla[unintelligible].

Mr. Duff Mitchell: Oh, right, right. But, I'm talking about where the migratory--you're right. There--the power line obviously over on the Snettisham [sp] ports from Sentinel Point down there, that's gonna have a regular transmission line.

But, I'm talking about the area where the geese and the ducks come in with the mud flats where they're attracted to, where the migratory birds are more attracted to--.

Ms. Cathy Needham: --Well [unintelligible] you're only saying migratory water fowl, where as the Migratory Bird Treaty Act covers all migratory birds, raptors, songbirds and things, as well. So--.

Mr. Duff Mitchell: --I agree. But, alls I'm saying is we're burying the line, which is above and beyond the APLIC standards of how you space and you put your power poles in. We're burying them in the, I would call the most sensitive area near the mud flats for those type of migratory birds with the larger wingspans.

So, I just point that out. But--so, go forward - I've agreed to install game cameras. And the next step is we're-- Shawn, from what I understand, you and Neil are gonna talk to your supervisors. Dennis, are we tracking for what you feel is acceptable at this point, moving forward, coming up with some kind of terms and agreement?

Mr. Dennis Chester: Well, yeah, I think--yeah, I'm comfortable in a certain respect. I guess I'm just a little concerned about how it all fits together, particularly with the timing of the final NEPA product, which I am thinking needs to be pretty much final when you apply for your license.

Ms. Dianne Rodman: Yeah. Well, okay--.

Mr. Duff Mitchell: --It's called a preliminary draft but, yes, it's our final going forward.

Ms. Dianne Rodman: Yeah. And then, the Commission is gonna prepare a NEPA document that is gonna use that information and any other information that is provided or is put on the record to prepare ours. So, there will actually be a Commission NEPA document.

Mr. Dennis Chester: Any data analysis, any mitigations and all that stuff needs to be in that document and analyzed by that point. So, if that's going through in July or August, yeah, I just don't know how much time we've got for any data, new data input--.

Ms. Dianne Rodman: --Yeah, it's gonna be tight--.

Mr. Dennis Chester: --Analysis, whether it's cameras or anything. Certainly, from a goat standpoint, to me, the critical season is pretty much ending right now for this year. So, it would be past that time before we could even really get much data. Bears, maybe we could get some information in.

So, I'm very happy that we're talking about some of this stuff. Just, the timing of it's kind of poor.

Mr. Duff Mitchell: Right. And we've taken two flights over the lake, just so you know, Dennis--and I've corresponded with Neil and Ryan--we've taken two flights over the lake already looking for goats this winter.

Mr. Dennis Chester: Well, and that's [unintelligible] hard part with goats in the winter. I mean, I've got--I know there's goats on the hill outside my office, and I can't see them this time of year.

Mr. Duff Mitchell: Yeah, I agree.

Mr. Dennis Chester: And they're in tough places to get to, very dangerous places for humans. And that's part of the issue we've bumped up against with them in particular.

And I don't necessarily have a great idea. Collaring is one way. I'm not sure of any others. But, that gets expensive and hard to know whether you're gonna get the right goats.

Mr. Duff Mitchell: I was just looking for my calendar. Hang on one second. I'm just gonna pull up something.

I'm just looking at the calendar as to when we could next meet up, what would be acceptable to the parties on the line. I know Dianne needs to meet in the morning so we're not cutting into her evening hours.

Ms. Dianne Rodman: And I will say that I'm not gonna be available next Wednesday at this time. I don't--no, probably not, no.

However, it looks like I'm free the rest of next week if you would like to have another chat.

Mr. Duff Mitchell: Would next Thursday work or next Tuesday work for people?

Ms. Dianne Rodman: Work for me.

Mr. Shawn Johnson: I don't have my work calendar in front of me, and I wouldn't mind getting Monty [sp] involved in the discussions, as well. But, as far as I know, either day next week would work.

Ms. Cathy Needham: I'm not available at all next week. That's just so you know.

Mr. Duff Mitchell: I understand, Cathy, you're out of the loop. I could handle the--I could go from here, though, for this meeting.

Mr. Shawn Johnson: And the purpose of the next meeting would be to--for us to tell you how our agencies feel about how we're gonna proceed with all this?

Mr. Duff Mitchell: Yeah. Assuming that we have the current data and we do some additional game cameras, perhaps some hair snares--I need to learn more about that and what the installation and what that would require and the follow up and

pulling them out of the woods, I mean, I just need to learn more about that. I don't want to commit that exactly today because I don't know what I'm committing to.

The second thing is, so the game cameras would be out there, we're gonna--Cathy said that she's gonna add a couple sections into this Wildlife Analysis Report.

Ms. Cathy Needham: Actually, I think, at some point in time, we really need to discuss what needs to happen with the analysis report, what's appropriate to add. I mean, technically, this entire conversation has been about bears and goats, and yet there's a lot of other things considered within the analysis report that I don't have feedback on in terms of summarizing it.

Mr. Neil Barten: Yeah, Cathy, this is Neil. I guess before--maybe this is kind of what you're looking for. But, I guess one thing I would like is where we kind of started with--Duff, you mentioned you had people at the camp for last summer who did a lot of hiking, covered a lot of country, looked for goat sign. I guess--and again, I did not see that quantified in the report, really. At least for me, that would be pretty valuable for us to be able to kind of--whether it's you take the notes and you put a dotted line on a map saying these are the 14 places they hiked and where they covered country, that would be very valuable, because to me, that's kind of missing.

Ms. Cathy Needham: Neil, my question back to you would be, does that type of--would you rather see that type of information integrated into the Wildlife Study Report or into the Wildlife Analysis Report, because the Analysis Report doesn't generally have that type of detail of what the studies were done for any of the other sections?

Mr. Neil Barten: Oh, no, that's fine. Whatever--yeah, whatever you think from that standpoint. I just would like to see it, so wherever you think it fits best.

Ms. Cathy Needham: Yeah, I apologize for not having that into the study report. That's not information I knew existed until this teleconference. So, we will get with Duff and his crews to get a better idea of what was done and figure out how they documented their process and how we can actually integrate their studies into the work that we conducted in 2012.

That report, though, the Wildlife Study Report that we submitted, that does not currently include that information. Honestly, I don't know where--we submitted it to you, Duff, but I don't know where it is in terms of being an approved report or not.

Mr. Duff Mitchell: The--you're talking about the report last November?

Ms. Cathy Needham: The Wildlife Study, yeah.

Mr. Duff Mitchell: Yeah, the Wildlife Study Report, we issued it on I think 11/15 of '12. Agencies underneath our communication protocol were to provide responses back in 30 days. What we got was PDA [sp] comments that included some of that. And we're not so sure that, because you submitted a preliminary, we're not so sure what agencies responded to what report.

And so, we have not issued an additional report.

Ms. Cathy Needham: Is that report amendable at this time? Is it something that we can go back and integrate your additional field study information that you mentioned today--?

Mr. Duff Mitchell: --Absolutely, absolutely. And it can also include the two goat over flights this spring.

Mr. Dennis Chester: Yeah, I guess from my standpoint, Cathy, as far as the Forest Service, that's not really a document that we have any real standards or requirement for. So, there really wouldn't be much to say about it. I mean, you could potentially say what about this or that, but I really don't have any standards to--to me, it was just kind of, okay, this is what we went out and did, and that's fine information.

The critical document for me and the agency is the analysis document. That's what we have standards for. That's what has to pass muster, so to speak.

And so, I would think anything--I guess--and I prefer that to be--the Wildlife Report to be kind of a standalone document, although we do incorporate by reference other documents. So, I would make sure to, if you--whatever information that's in the survey report that you want included in the analysis or--that you make it clear that you're incorporating that into--from the other document.

Ms. Cathy Needham: Okay. So, for my clarification, would it be more appropriate to go through the analysis report and actually put a little more detail in about what studies were done by section, where--when studies were required, because there's a number of things that are analyzed that's on the analysis report that don't have field protocols that we necessarily did?

Mr. Dennis Chester: Yeah. It could happen either way. Like I said, if you want to reference something in the survey report, make sure it's very clear. But, my preference is to tend to make the analysis report kind of standalone so you don't have to go and constantly refer to another document.

But, that's--I don't think that's necessarily a requirement. We do--we incorporate by reference things like the Forest Plan and the Forest Plan EIS and some of that kind of information. So, it's certainly not unheard of. But, when you're constantly having to--when you're reading one document

and constantly having to go to other documents, that makes it a little inconvenient, if nothing else.

So, just something to think about - I--like I said, it could go either way. But, definitely, don't want to assume that person has read it without referring them to it.

Ms. Cathy Needham: Right.

Ms. Dianne Rodman: Just as long as both reports are filed with the Commission. I'm completely used to flipping back and forth between different reports myself. Not everybody is very thoughtful that way.

Mr. Duff Mitchell: Okay, Dianne, a question for you - this Wildlife Analysis Report that Cathy has done is succinctly and separate from the graph and from the reports that she's generated on wildlife species up to this point.

Ms. Dianne Rodman: So, this is different from the information you would put in the exhibit E--?

Mr. Duff Mitchell: --Yes--.

Ms. Dianne Rodman: --For the PDEA?

Mr. Duff Mitchell: Yes.

Ms. Dianne Rodman: Huh. Okay.

Mr. Duff Mitchell: This Wildlife Analysis Report is done to US Forest Service Protocols. Am I correct, Cathy? That's what this is--and, Dennis, this is more for--to US Forest Service standards?

Mr. Dennis Chester: Yeah, the--it's a format that those of us in the agency often use. The--probably the required separate document is the BEBA portion. That by policy is a standalone document.

We also tend to incorporate the analyses, the other analyses that Cathy has put in here for management indicator species, migratory birds and subsistence. Those are also required analyses, but they can be done in the environmental analysis document or the EIS or whatever you end up.

But, it tends--the reason we tend to do it in a separate document is that we have standards for these analysis that often go beyond what needs to be in the environmental analysis. In other words, we have to kind of show our line of thinking and on something that may not be any kind of an issue in the environmental document so that if you have it in a separate document, you can refer to that document in the EA and not clutter up your EA. That's the benefit of doing it in a separate document.

Ms. Dianne Rodman: Hmm, okay. So--but, it--the--Duff, you're still gonna be filing the Wildlife Analysis Report.

Mr. Duff Mitchell: Right, right.

And so, my question that I was alluding to is that this Wildlife Analysis report is separate from the Wildlife Study Report--.

Ms. Dianne Rodman: --Yeah, and separate from the PDEA.

Mr. Duff Mitchell: Right.

And it's--I mean, both of them are gonna--information from both of them I guess are gonna be rolled up into the PDA from what I--.

Ms. Dianne Rodman: --Right.

Mr. Duff Mitchell: But, this Wildlife Report is considered a report that I need to put out for all agencies and all stakeholders per our communications protocol.

Ms. Dianne Rodman: Yeah, right.

Mr. Duff Mitchell: So, I have to give everybody a 30 day review on this--so, it's kind of like a draft, but it's--then, it becomes final after 30 days based on comments. And I guess the main agency of--that this is being derived for is for the US Forest Service. It's their protocol.

Ms. Dianne Rodman: Uh-huh, yeah, okay.

And this is all gonna be finalized before you file your final application?

Mr. Duff Mitchell: Yes. I mean, this report here is--I think Cathy's trying to get closure on it so she can say this is--this component is done. And that was the purpose that she had for this meeting, and then we went off onto goats and bears.

Ms. Dianne Rodman: Okay, gotcha, yeah. All right, sorry.

Mr. Duff Mitchell: Oh, no, I mean, it was all good discussion for everybody, but I'm trying to get this back onto Cathy.

Ms. Dianne Rodman: Sure, yeah.

Mr. Shawn Johnson: I'd kind of like to stir things up a little bit just because, but let's just--just for sake of discussion purposes, just kind of look at the worst case scenario out of this process. Let's say we at our next meeting, Fish and Game has the position that the bear collaring is absolutely nexus to the project, we have to have the results of that to do our--to evaluate impacts and to develop our terms and conditions and so forth, and ALP [sp] says, no, it's not nexus, we're not gonna do it, then what happens, Dianne?

Ms. Dianne Rodman: Well, would--Duff, would you like to go to dispute resolution?

Mr. Shawn Johnson: It's not gonna happen. I'm just kind of wondering what's--.

Ms. Dianne Rodman: --Okay.

Well, I mean, if we did go to dispute resolution, that would probably take up the field season. Well, no, it wouldn't, but it would take up a good chunk of it. But, that could be done.

And the Commission could make a determination on whether that information is necessary and tell our applicant what they have to do to make us happy.

Fish and Game by statute is an agency that has unique expertise in the fish and wildlife of Alaska. But, in the end, it's our decision. And we must place due deference to your opinion. But, again, ultimately, we're gonna have to decide and tell Juneau Hydropower what we want them to do.

Mr. Shawn Johnson: Yeah, and I know you've already said that you prefer not to have post licensing studies. But, if let's say Duff agrees to do some collaring studies, but--and we're--but he still wants to file this summer, and if we're okay with that, that's a possibility, as well?

Ms. Dianne Rodman: Well, it can be. If there is enough information for the agencies, for basically the Commission and the Forest Service to make the decisions that we have to make, the Forest Service I guess on your special use permit and us on the license, then we could go forward, and Duff could make whatever agreement he wants with any other party outside the licensing process. This has been done before.

I know there was a relicense in which the licensee agreed with a state agency to do some habitat mitigation along the reservoir that was not part of the project because it was a Corp navigation pool, and they're not included within our licenses,

even though technically it--well, not technically--even though, in effect, it is the project reservoir. But, we don't go putting our project boundaries around Corp reservoir because the Corp doesn't like it, and they've got guns.

So, they made an off license agreement to enhance this habitat, and the state agency had very little role in the project thereafter. Basically, they were happy with what was done and they didn't have much to say. It can happen.

And the license--the applicant can say, by the way, we have this off license agreement with this agency to do X, Y and Z, but it is off license. And as long as they make it clear, you can do whatever you want.

Mr. Shawn Johnson: Because I don't think there's any outstanding issues that we feel are show stoppers or gonna--I mean, there's some projects we're working on where the studies, they're--we're trying to route the transmission corridor and we don't know where the goats or important goat habitat. So, in that case, we need to have those study results before we can proceed with the licensing because we need to make decisions or recommendations for the transmission corridor, those--I don't see that as a case for this project.

I mean, I don't see any huge show stoppers or we're gonna say, oh, you can't raise the lake up 60 feet or anything like that. But--so, anyway, I just throw that out there.

Ms. Dianne Rodman: Yeah. Well, if you think it's appropriate for--and Juneau Hydropower agrees, you can come up with any agreement to do further collaring you like as long as you don't--as long as that information is not necessary to make the decision that we're gonna be asked to make in the next some time late this summer, I guess--well, the process will start late this summer. It's gonna take longer than for us to do our NEPA.

Mr. Duff Mitchell: All right, does that answer your question, Shawn?

Mr. Shawn Johnson: Yes.

Mr. Duff Mitchell: We'll sit down, roll up our sleeves, we'll work out something, whatever we can do. And again, whatever we do with other agencies is what we do with other agencies. I mean, as I understand this, Dianne, agreements with one specific agency doesn't always need the buy off or agreement with all the other agencies, although it's nice.

Ms. Dianne Rodman: Sure. I mean, a given agreement like say, oh, gosh, fuel management, only the Forest Service may care about that. And if for some reason--of course, you wouldn't do an off license agreement with the Forest Service, but just as an example of a--well, you could, actually, do it. But, they would more likely put it in a special use permit.

But, that's the kind of a narrow agency jurisdiction sort of thing. And the other agencies don't need to buy off on it unless of course they're interested.

Mr. Duff Mitchell: Uh-huh.

Well, and some agencies didn't show up because it's like--I think that some of them were, hey, we only have this one little section that we're concerned about and we don't really want the time on all the other stuff.

Ms. Dianne Rodman: Sure, yeah.

Mr. Duff Mitchell: And we understand people's time and resources are limited, and they need to do what they've got to do.

Ms. Dianne Rodman: Sure.

Mr. Duff Mitchell: So, I want to go back to one thing. Are we--and maybe we've already cleared on this. Cathy and Dennis, do we have what we need to, in the Wildlife Analysis Report for--with the modifications that Cathy mentioned at the beginning with the migratory bird analysis, are we ready to roll on this or is there something additional that needs to be put in this Wildlife Analysis Report?

Mr. Dennis Chester: Well, yeah, I guess I didn't want to go into too fine a detail at this meeting with everybody. I will--I'm not finished reviewing it, but I will need to get some comments to Cathy.

Mr. Duff Mitchell: That's fair.

Mr. Dennis Chester: And I can do that.

Mr. Duff Mitchell: Okay, that's fair.

And so, what--Cathy, would this be agreeable? We don't issue--I mean, we keep this Wildlife Analysis Report among this working group until you get the feedback from Dennis and we're able to incorporate where you've already said that the migratory birds, his comments in, any comments that Fish and Game wants to put forward, and then we'll finalize this Wildlife Analysis Report for I would say distribution to the rest of the stakeholders? Does that sound like a plan?

Ms. Cathy Needham: In terms of moving forward, I think that sounds like a plan. My only question would be, obviously, the sections regarding the goats and bears, and so I would need somebody's guidance, perhaps Dennis', on how to make sure that we've included what this analysis needs to include, given that those two subject areas, or actually three since there's two species of bears, given that those three species, we haven't come to any kind of conclusion.

Mr. Duff Mitchell: Well, I've got--I have one idea, and I'll just throw it out. I don't want to muddy it up. Could we take your Wildlife Report that you published last, I think it was October or November and produced an addendum with the additional information? Is that helpful rather than redoing

that report or--I'm just throwing that out as an idea for the additional information, the hiking around the lake and--.

Ms. Cathy Needham: --I need you--I have no knowledge of those surveys until you mentioned them today. And so, I don't know what it's going to take to integrate it into the Wildlife Study Report.

But, what I was thinking more towards is this analysis has--it makes statements in it regarding potential impacts to mountain goats, black bear and brown bear. And I want to make sure that--I don't want to finalize this report until everybody's gonna agree that whatever terms and conditions or mitigation measures you come up with are gonna be--that are in here so we don't have to go back and redo this report, as well.

I mean, I need to make sure that you're--that the Forest Service agrees with where we're gonna leave each of those sections, given that you're gonna continue to work on the bear and goat issue.

Mr. Duff Mitchell: Okay. Well, next week, you're not gonna be at the meeting. The following week, maybe we can bring that back to full circle, and that--.

Ms. Cathy Needham: --My--I think if you're having a meeting next week, I would like to request that the discussion not including this analysis report since I can't be there.

Mr. Duff Mitchell: Right. No, I agree.

Ms. Dianne Rodman: Right, yeah--.

Mr. Duff Mitchell: --I think I'd like to maybe limit it to the goat and the bear stuff that we were talking about--.

Ms. Cathy Needham: --The other thing about, in terms of placing game cameras that I want to make everyone aware of, is that we--when we did the goshawk stations, we take pictures at every location that we do stations, so every survey point that we have along the lake, we have a picture. And so, when you're picking locations up around the lake, we actually can come up with some good recommendations of where you'll be able to get out on the ground to actually install a camera.

I mean, we have the terrain. You might be trying to pick those locations from aerial photography, but we have a camera of what it looks like at the lake shore.

Mr. Shawn Johnson: That'll--Neil stepped out, but that'd be useful.

Mr. Duff Mitchell: Is there a photo set that you could either put on Drop Box or we could on a disk, or maybe that's already available in one of the--in the goshawk study?

Ms. Cathy Needham: It's not in the goshawk study. It is--it would take some work to compile it in a way that it would be usable to other people because we have entire photo sets broken out by the days that we were there. But, we have picture numbers recorded on field data sheets of each station.

So, it would be easy for me to look at a place on a map if we all sat together in a room with a map that has the GPS points on it and you guys say we think a camera would be good in this area, and then I could take the closest goshawk station to that, go to the data sheet and then go to the--and look for the picture number and then go to the database of pictures just to make sure that you'd be able to get out on the ground.

Mr. Duff Mitchell: Well, the lake we have some time. The lake we have some time to work out. The Bay, I'd like to get those going, so let's put that into something that you can call up Neil and see where best we can--we could work those out between you and Neil.

Ms. Cathy Needham: The other thing about the camera location down in the Bay, I'll also remind you that in meetings that we had with US Fish and Wildlife Service [unintelligible], he recommended putting game cameras out for water fowl on the tide flats. And so, when you have your meeting next week regarding these things, you should probably make sure that he's able to [unintelligible] since he did already make that recommendation of importance.

Mr. Duff Mitchell: Okay.

So, I think we've come to a conclusion on the Wildlife Analysis Report. We're going to allow Dennis the time to thoroughly make his comments. If ADF&G wants to make comments,

we get those back, we incorporate that, and then it becomes more of the approval or we move toward more of an approval of that draft.

How do--the [unintelligible] how do we work this out in conjunction with the impact mitigation and agreement with ADF&G, move toward licensing and where that may head.

I've got silence. Does that sound right?

Mr. Shawn Johnson: I stepped out for a second. Could you repeat the last minute or two?

Mr. Duff Mitchell: Yeah. The Wildlife Analysis Report, Dennis is still in the process of reviewing it, and it's done to US Forest Service protocols and their guidelines. So, it's really important to get his feedback.

We're not going to discuss that at the next meeting because Cathy will not be available. And we'll put that off for the following week if Dennis has it done by then. Those comments will go back to Cathy. Cathy will integrate those comments and what she can do to up the draft current state with the comments from Dennis. And if Fish and Game wants to make comments, those will be incorporated in.

That's--that was issue one. But, next week's meeting will be we're going--there'll be a meeting with Juneau Hydropower and interested parties, but Fish and Game of how we can work out some terms and/or start the process of terms and agreement for

allowing or for the process of perhaps we file our license but we still have continued engagements on goats and bears. And I'm leaving that wide open as what those parameters of that would be.

And I was just asking, when you walked back in, I was just asking agreement, if that what everybody understands so we're closing out the meeting with a go forward.

Ms. Dianne Rodman: Fine with me.

Mr. Shawn Johnson: Yeah, I think so.

Mr. Dennis Chester: Yeah, sounds good to me.

Mr. Duff Mitchell: Okay. All right.

Well, I--we know we can't meet next Wednesday. Shawn, do we want to leave it open whether it's Tuesday or Thursday at 8:30? And then, Dennis, how's your schedule looking like, or do you want to just try to email and see--if we could just circle in maybe perhaps those two dates, Tuesday and Thursday at 8:30 and see where everybody is comfortable with or what your schedules look like or do people want to--Dennis, I don't know how your schedule's looking like. I know Shawn said he needed to look at his calendar.

Mr. Dennis Chester: Yeah, Tuesday or Thursday morning is okay with me.

Mr. Shawn Johnson: Yeah, we'd like to get Ryan involved in the discussion, as well, so I've got to check his schedule.

Mr. Duff Mitchell: Okay.

All right. Well, we'll leave it open for Tuesday and Thursday, Shawn, and you get back to us which is gonna work best for Ryan and your folks.

Mr. Shawn Johnson: Okay.

Ms. Dianne Rodman: Okay, great. And I've got them penciled in for both days with a question mark.

Mr. Duff Mitchell: Okay. And we'll just wait for Shawn to get back to us. Then, we'll lock it down.

All right, guys, well, hey, I appreciate it.

Ms. Dianne Rodman: Okay, thank you so much.

Mr. Shawn Johnson: Thanks.

Mr. Duff Mitchell: Take care.

Mr. Dennis Chester: Thanks, we'll talk to you later.

Mr. Duff Mitchell: Yeah.

Ms. Dianne Rodman: Yeah. Bye.

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