

Chakachamna Project (FERC No. 12660) FERC Licensing Process Discussion

Stakeholders Meeting Notes (Via Conference Call)

April May 12, 2009

Meeting Attendees:

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| Finlay | Anderson | Long View Associates |
| Philip | Brna | US Fish and Wildlife Service |
| Jim | Ferguson | Alaska Department of Fish and Game |
| Jan | Konigsberg | Natural Heritage Institute/Hydropower Reform Coalition |
| Gary | Prokosh | Alaska Department of Natural Resources |
| Gary | Kuhn | Matanuska Electric Association |
| Scott | Maclean | Alaska Department of Fish and Game |
| Betsy | McCracken | Alaska Department of Fish and Game |
| Joe | Klein | Alaska Department of Fish and Game |
| Steve | Padula | Long View Associates |
| Jim | Thrall | TDX |
| Sue | Walker | NOAA-Fisheries (by phone) |
| Eric | Yould | TDX |

On May 12, 2009 the TDX and stakeholders met via conference call to discuss TDX's proposed Communications Protocol (Protocol) that will accompany the request to use alternative licensing procedures when the Pre-Application Document (PAD) and Notice of Intent (NOI) are submitted. TDX intends to request the use of a traditional three stage consultation process (TLP). Stakeholders previously met on April 10; the purposes of this conference call was to discuss how TDX proposes to structure the Protocol to address concerns and questions expressed at that meeting.

Discussion

- Steve Padula (LVA) summarized the discussion from April 10 and asked if there were any comments or clarification on the notes of that meeting.
- Steve summarized the Project Team's evolution of thinking with respect to the Protocol since April 10. He noted provisions within the TLP rules [18 CFR §4.38(e)(4)] that allow TDX to request, as part of its proposal to utilize the TLP, that the Commission approve the addition of ILP elements into the licensing process for the Project. To address stakeholder concerns, TDX proposes that the following ILP elements be added:
 - Early NEPA Scoping by FERC as described under 18 CFR § 5.8;
 - Study Criteria under 18 CFR §5.9;
 - Study Plan Development (18 CFR §5.11);
 - Stakeholder comments on study plans and revised study plans (18 CFR § 5.12 though 18 CFR § 5.13);

- Formal study dispute resolution process as described in 18 CFR § 5.14; and
 - Initial Study Report (ISR) and Updated Study Reports (USR) pursuant to 18 CFR § 5.15.
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- Stakeholders generally agreed that these additions will address many of their concerns, but had some questions. It was noted that “element” is not defined in the regulations, and therefore there many need to be some additional clarification and detail.
 - Stakeholders expressed concern about tight timeframes for commenting on the TLP request; 60 days may not be a sufficient time for a response from agencies. Steve responded that the applicant could request that stakeholders be given more time to respond, and that in general this modified TLP approach should allow stakeholders and TDX to work together to extend review periods when needed, while still providing the clear administrative record that has been requested.
 - There were questions about the extent of studies that were going to be detailed in the PAD. Stakeholders noted that their study requests would be influenced by how detailed TDX was able to be in the PAD with respect to specific studies and approach to studies. It was emphasized that stakeholders would really like to see TDX attempt to lay out “key questions” and identify how the study program will systematically respond to those questions.
 - TDX agreed to revise the Protocol to include more detail on the ILP elements that will be included, and how this hybrid process will work. TDX agreed to issue a revised protocol within 2 weeks, and requested that Stakeholders provide any final comments and suggestions by June 12.