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BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

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IN THE MATTER OF: : Docket Number
TRANSCANADA HYDRO GENERATING NORTHEAST: P-1892-026
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Marlboro College Graduate School
28 Vernon Street
Brattleboro, VT 05301
9:10 a.m.

Tuesday, November 26, 2013

The above-entitled matter came on for scoping meeting,
pursuant to notice, at 9:10 a.m.

1 PROCEEDINGS

2 MR. HOGAN: I want to thank everybody for
3 coming. My name is Ken Hogan with the Federal Energy
4 Regulatory Commission. I'm the project coordinator for the
5 five projects on the Connecticut Riverbank through the hydro
6 re-licensing.

7 I want to start this morning by having us go
8 around the room and do introductions. I'll start back here
9 with Julia.

10 MS. WOOD: Good morning. Julia Wood,
11 re-licensing counsel for FirstLight.

12 MR. HOWARD: John Howard, FirstLight.

13 MR. SULLIVAN: Tom Sullivan, Gomez and
14 Sullivan, counsel for FirstLight.

15 MR. WAMSER: Mark Wamser, Gomez and Sullivan.

16 MR. BENNETT: John Bennett with Windham
17 Regional Commission.

18 MS. BLAUG: Elisabeth Blaug, FERC Office of
19 General Counsel.

20 MR. SEARS: Mike Sears, HDR, consultant for the
21 FERC.

22 MR. DEVINE: John Devine, HDR, consultant to
23 FERC.

24 MR. ETTEMA: Nick Ettema, FERC.

25 MR. ARNOLD: Steve Arnold, HDR, consultant for

1 FERC.

2 MS. KENNEDY: Katie Kennedy, Nature
3 Conservancy's.

4 MR. DAVID: Owen David, NHDES.

5 MR. GRIES: Gabe Gries, New Hampshire Fish and
6 Game.

7 MS. GRADER: Melissa Grader, U.S. Fish and
8 Wildlife Service.

9 MR. SPRANKLE: Ken Sprankle, U.S. Fish and
10 Wildlife Service.

11 MR. BRUSH: Tim Brush, Normandeau Associates.

12 MR. SKIBNIOWSKY: Steve Skibniowsky, Entergy -
13 Vermont Yankee and the environmental program, radioactive
14 effluents and environmental monitoring.

15 MS. DE WALD: Lynn DeWald, Vermont Yankee.

16 MR. HANSON: Brian Hanson, Normandeau
17 Associates.

18 MR. SIMMONS: Rick Simmons, Normandeau
19 Associates.

20 MR. TRESTED: Drew Trested, Normandeau
21 Associates.

22 MR. FISK: Andy Fisk, Connecticut River
23 Watershed Council.

24 MS. FISCHER: Maryalice Fischer, Normandeau
25 Associates.

1 MS. O'DEA: Erin O'Dea, in-house counsel for
2 TransCanada.

3 MR. RAGONESE: John Ragnese, TransCanada.

4 MS. GRIFFIN: Jennifer Griffin, TransCanada.

5 MR. CROCKER: Jeff Crocker, Vermont Agency
6 Natural Resources.

7 MS. WILL: Lael Will, Vermont Fish and Wildlife
8 Department.

9 MR. DAVIS: Eric Davis, Vermont Department of
10 Environmental Conservation.

11 MR. HOGAN: Thank you.

12 We do have a court reporter here today.

13 Actually, folks on the phone, introduce
14 yourselves, please.

15 MR. DEAN: David Dean, Connecticut River
16 Watershed Council.

17 UNIDENTIFIED PARTICIPANT: Rob Mitchell with
18 HDR for FERC.

19 MS. MC CANN: Mary McCann, HDR, consultant to
20 FERC.

21 MR. HOGAN: Thank you.

22 So we do have a court reporter here today. So
23 if you, when speaking, if you could please start with your
24 name, that would be great just so we can keep the record
25 straight. Everything that's said here today will be placed

1 in the Commission's record so we'll know who said what and
2 what they said.

3 And I have given him instructions that if he
4 has a hard time hearing anybody, we want -- he's got
5 permission to stop the meeting and say, 'Can you repeat
6 that, please?' So...

7 I have no idea where the restrooms are.
8 Outside; not in the corner.

9 So the reason we're here today is, as everybody
10 knows, you know, the Vermont Yankee Nuclear Power Plant
11 announced on August 27th that they're going to be shutting
12 down at the end of 2015.

13 Where we are in the Commission's integrated
14 licensing process that creates a situation where we have a
15 changing baseline for our environmental studies. And we
16 wanted to look at and have a good understanding of what that
17 may mean for our studies and how studies may need to be
18 addressed. And that's the reason we're having the technical
19 meeting today.

20 One thing I want to point out is that this is
21 not a forum for discussion of how Entergy proposes to close
22 down the Vermont Yankee. It's a forum for discussion of
23 what that means to the river and when, and what the
24 magnitudes are.

25 Now with that said, what I've -- I have invited

1 Entergy here today to give us an overview of what that
2 shutdown is as they perceive it today, and specifically what
3 it means for the river and timing and magnitude of the
4 environmental effects.

5 So with that, I would like to turn the meeting
6 over to Lynn. And we'll get you a mike.

7 MS. DE WALD: I can talk loud.

8 I feel like it's largely the same crowd that
9 was here yesterday, except for maybe Gabe and Tim.

10 MR. HOGAN: And David Dean on the phone.

11 MS. DE WALD: And David on the phone.

12 My name is Lynn DeWald. I am the
13 non-radiological environmental specialist at Vermont Yankee.
14 And, as Ken said, Entergy announced at the end of August
15 that it was planning to close Vermont Yankee.

16 The date has been selected as December 29th,
17 2014, at which point the discharge of water from the
18 Connecticut -- or from the discharge structure into the
19 Connecticut River will be reduced by something close to 98
20 percent. The thermal discharge will be at least that and
21 maybe even more. And over time, from the time we shut down
22 until we take the spent fuel out of the spent fuel pool, it
23 will continue to go down.

24 Beyond that we really don't have a lot of
25 details right now about the decommissioning plan or any of

1 the timing of things. It's -- the 29th of December is sort
2 of the hard and fast date for the end of operation of VY.

3 MR. HOGAN: Lynn, I'm guessing -- I have a
4 question. As far as the maximum discharge the plant
5 currently has -- I believe the answer was 120,000 gallons
6 per minute.

7 MS. DE WALD: So right now our NPDS permit
8 permits us to use up to three circulating water pumps, which
9 we have. They're not variable speed pumps so they're either
10 on or off. And each one is capable of 120,000 gallons a
11 minute, for a total of 360,000 gallons a minute.

12 In addition to that we have what's called the
13 service water system, which provides cooling to -- it's a
14 safety-related cooling system that also feeds our fire
15 protection and cools motor jackets and things like that.
16 There are four pumps, that each can pump about 3000 gallons
17 per minute.

18 So I think I said the total permitted discharge
19 volume we could possibly have is 373,000 gallons a minute.

20 When we shut down on the 29th of December next
21 year we'll only need two service water pumps at most. So
22 that's a total of 6000 gallons per minute; therefore the 98
23 percent reduction. And that 6000 gallons per minute is
24 somewhere between 16 and 17 cfs going out.

25 MR. HOGAN: And so you predict that temperature

1 would also have that 98 percent reduction?

2 MS. DE WALD: Yeah, probably more than that.
3 That's something that's probably going to have to be -- it's
4 going to have to be figured out over time and maybe even
5 modeled.

6 MR. HOGAN: Okay.

7 MS. DE WALD: I don't know we are going to get
8 our hands around that other than to say it's going to be a
9 heat reduction.

10 MR. HOGAN: Any other -- Any questions for Lynn
11 or Entergy?

12 (No response.)

13 MR. HOGAN: Anybody on the phone?

14 MR. DEAN: Just asking -- maybe if Lynn could
15 move a little closer to the phone. I missed some of the
16 message of what she said.

17 MR. HOGAN: Let me try to summarize, David.

18 Currently Vermont Yankee is capable of
19 discharging -- or is authorized to discharge up to 373,000
20 gallons per minute. Under the decommissioning, that would
21 be reduced to a maximum of 6000 gallons per minute, which is
22 about the equivalent of 16 to 17 cfs. And it's anticipated
23 that the thermal reduction would be at 98 percent or less as
24 a result of the reduction in the volume of the water.

25 MS. DE WALD: 98 percent or more.

1 MR. HOGAN: I'm sorry, 98 percent or more
2 reduction.

3 MR. DEAN: Or more.

4 MR. HOGAN: Yeah.

5 MR. DEAN: Okay.

6 MS. DE WALD: Or the other thing I guess to
7 point out is that, although we're permitted to discharge
8 373,000 gallons a minute, we don't always do that; maybe in
9 the summertime under certain conditions. But it's often
10 less than that.

11 MR. HOGAN: Any questions about that?

12 (No response.)

13 MR. HOGAN: Okay.

14 I think that helps us, though, in understanding
15 of when the effects of the decommissioning may influence the
16 baseline conditions of the river. And so I appreciate that.

17 Entergy is not planning to be here the whole
18 day. So if you have any questions regarding the information
19 or if you have any other information interests, ask now.

20 MS. DE WALD: We're actually able to stay for a
21 little while this morning. So I think we're can address
22 comments.

23 MR. HOGAN: Oh. Okay. Perfect.

24 So on the agenda today at this point in time I
25 have an opportunity for a stakeholder caucus, if you want to

1 digest what was just heard and think about how that may
2 affect the proposed studies. But the caucus is optional.
3 I'll just see if folks want to move on or if they want to
4 take the caucus.

5 (No response.)

6 MR. HOGAN: Okay. I'm hearing nothing.

7 MS. DONLAN: Move on.

8 MR. HOGAN: Okay. So we're going to move on.

9 Yesterday we got a lot of questions about so
10 how does the VY closure affect the FERC licensing process
11 and how would potential delays or modifications to studies
12 that would result in schedule shifts affect FERC and the
13 integrated licensing process for the licensing of the
14 projects. Just to give you some ideas, right now we don't
15 have any specific ideas about how the projects should be --
16 or how the process should be modified.

17 We're here at these meetings to gain
18 information. We're looking at what the suggestions are for
19 study schedules as a result of the VY closure. And we're
20 going to come out with a process to move forward with those
21 schedules and in appropriate manner to collect data that's
22 appropriate for the licensing and documenting the predicted
23 baseline.

24 That said, the Commission has several tools
25 available to itself to manipulate the schedule, let's say.

1 And that can be anything from, you know, requiring the
2 license application on time with studies that haven't been
3 completed, and then having the applications modified or
4 updated to include any study data that was pending when the
5 applications were filed.

6 Regarding the license applications, we do not
7 have the authority to adjust the deadlines for filing of the
8 applications. That's a statutory requirement and therefore
9 are required by law. But we do have the ability on four of
10 the projects, if we deem it appropriate, to, you know,
11 extend the license term as a last case -- last result. I
12 don't think anybody wants us to do that.

13 But generally speaking, from what we heard
14 yesterday, I think we're probably going to be looking at,
15 depending on what we hear today, but from what we heard
16 yesterday we'll probably be looking at just requiring
17 studies on the timelines that were discussed yesterday and
18 then -- which was mostly shifting many of them into 2015 --
19 some would go into 2015 and 2016 as they were two-year
20 studies -- and then dealing with that through the
21 augmentation of the license applications after they were
22 filed.

23 Any questions regarding that?

24 (No response.)

25 MR. HOGAN: And if -- One thing about the

1 Commission's integrated licensing process, I believe it's
2 Section 5.21 says that the Commission will not accept the
3 license applications or issue an REA notice until all of the
4 required studies -- let me rephrase that -- all of the
5 required environmental studies that were required by the
6 study plan determinations have been completed.

7 So basically, once the applications were filed
8 they would be sitting in a holding pattern until the studies
9 were done.

10 Okay. Any questions?

11 (No response.)

12 MR. HOGAN: And I hope to, once I bring back
13 the information from these meetings to D.C., have some type
14 of process outlined, developed with my team and management,
15 and then notify stakeholders as to what that process is
16 before Christmas. All right.

17 So on the agenda it's just a matter of going
18 through each of the studies one by one, as outlined in the
19 -- well, they're attached to the agenda -- or for David out
20 here on the phone, we're going through one at a time as
21 outlined by Appendix C of the study plan determination.

22 MR. RAGONESE: Ken, remember you asked me to --

23 MR. HOGAN: Oh, yes. Thank you. I asked you
24 to remind me, too, didn't I?

25 MR. RAGONESE: Yes.

1 MR. HOGAN: So one thing that came up specific
2 with the Vernon project in discussions internally at FERC
3 was we were curious to know if TransCanada had any license
4 requirements currently imposed upon them because of the
5 presence of Vermont Yankee and its discharge. And if so,
6 now that Vermont Yankee is closing, we came up with another
7 question:

8 Does TransCanada's proposed operations for the
9 new license, are they now entertaining any changes. And
10 I've asked John to address that.

11 So go ahead, John.

12 MR. RAGONESE: No and no.

13 (Laughter.)

14 MR. RAGONESE: That's basically it. There are
15 license conditions that may have been at one point in time,
16 you know, designed around cooling needs or whatever. But
17 there's no --

18 MR. HOGAN: Hold on, John.

19 MR. RAGONESE: Thank you.

20 John Ragnese, TransCanada.

21 MR. HOGAN: You're still going to have to speak
22 up, though. That's just to him.

23 MR. RAGONESE: There are some license
24 conditions associated with minimum flow. They may have been
25 derived in part from discussions about - - . But there's

1 nothing specific in our license requiring us to operate in
2 any manner related to Vermont Yankee. And, no, we are not
3 changing our proposed future operation at this stage in the
4 re-licensing application.

5 MR. HOGAN: Thank you, John.

6 MS. GRADER: Melissa Grader, Fish and Wildlife
7 Service.

8 Did you just say that you would -- you think
9 FERC will be issuing a study plan determination before
10 Christmas?

11 MR. HOGAN: No.

12 MS. GRADER: Okay.

13 MR. HOGAN: What I said is I hope to have a
14 clear process forward out to the stakeholders before
15 Christmas; so, you know, to give you an idea of when we plan
16 to issue the study plan determination. If there's any
17 studies that we deem are appropriate for consultation as a
18 result of these meetings then maybe -- and revision -- we
19 have two approaches.

20 One, we could handle those in the study plan
21 determination or we could ask for those to be revised in
22 advance of the study plan determination files. And they can
23 be approved or approved with modification in the
24 determination.

25 So we've got a lot of moving parts and we just

1 want to figure out how they best shake out and what's best
2 for the process, the stakeholders, and our information
3 needs. But we recognize that right now everything's kind of
4 in limbo. And we just want to end that limbo and get a
5 process to move forward and let you guys know what that
6 process is.

7 Okay?

8 MS. GRADER: Yes. Thank you.

9 MR. HOGAN: Any questions on the phone?

10 (No response.)

11 MR. HOGAN: Okay.

12 So let's go ahead and start with going through
13 study by study.

14 The first one -- Oh. The first -- Well, the
15 first one that we identified is study 6, Water Quality
16 Monitoring and Continuous Temperature Monitoring. Generally
17 we've got three questions. One is, you know, should the
18 study be delayed or can it move forward as is. Should it be
19 modified based on methodologies or timing or whatever it may
20 be.

21 So those are the -- you know, we understand
22 there's still a need for water quality study. I think
23 clearly this is one that probably ought to be delayed. But
24 I also don't know if it should also be modified in
25 methodology, if it was designed in such a way to address

1 issues that are associated with Vermont Yankee and Vernon
2 particularly.

3 MR. CROCKER: Jeff Crocker, Vermont ANR.

4 We felt that the study should be delayed until
5 2015, and that no modifications were needed to the original
6 study plan.

7 MR. HOGAN: Owen.

8 MR. DAVID: Owen David, NHTES.

9 We concur with Vermont that this should be
10 delayed.

11 MR. HOGAN: Okay.

12 MR. DAVID: We don't see any need for any
13 modification.

14 MS. WILL: And that would be for all three
15 projects.

16 MR. HOGAN: Right.

17 And I think, you know, from the Commission's
18 perspective, unless it's really appropriate to do otherwise,
19 we're not interested in splitting the study seasons among
20 the projects in studies.

21 John.

22 MR. RAGONESE: John Ragnese, TransCanada.

23 And our recommendation is to put all of the
24 three projects, water quality studies, into the second study
25 year, 2015.

1 We do think there is some need for some
2 discussion on the methodology, and I'm going to turn it over
3 to Jennifer.

4 MS. GRIFFIN: Jennifer Griffin, TransCanada.
5 We have one transect in the Vernon four bay
6 that was set --

7 MR. HOGAN: Can folks on the phone hear
8 Jennifer?

9 MR. DAVID: Yes.

10 MS. GRIFFIN: There's a transect in the four
11 bay of Vernon that was set in particular to look at or see
12 if there is a temperature change there, or a different
13 temperature there. So we suggest that that does not need to
14 be included in the revised.

15 MR. HOGAN: And would you still collect
16 temperature in the four bay?

17 MS. GRIFFIN: Yes. The temperature collection
18 for the Vernon impoundment would be the same as the other
19 two impoundments.

20 MR. RAGONESE: In terms of design and
21 placement?

22 MR. HOGAN: Any thoughts on that?

23 (No response.)

24 MR. HOGAN: Is it something that folks want to
25 be able to consult on and discuss further?

1 (Chorus of 'Yes.')

2 MS. DONLAN: I'd like a five-minute conference.

3 MS. GRIFFIN: I can direct you to where it is.

4 This is Jennifer Griffin again.

5 I can direct you to where it is in the revised

6 study plan. Page 68. It's the second to last paragraph.

7 Under Methods it's the -- one, two -- third paragraph,

8 towards the end of it.

9 MR. HOGAN: And just to be clear, I'm not
10 asking for any commitments here today. You know, if it's
11 something that folks want to consult with after this
12 meeting, you know, for a period of time, that's an option,
13 too.

14 MS. DONLAN: Yeah. That may be what we
15 determine after our little caucus. But we might be able to
16 give an answer.

17 MR. RAGONESE: Can you describe the difference,
18 you know, what's unique about - - .

19 MS. GRIFFIN: Yeah. Okay.

20 So we say that in addition to the transects
21 that we're putting out similar to wilder - - falls, in
22 addition transects will be established at the Vernon Project
23 four bay with up to give stations, temperature, data
24 loggers, steps of one meter below the water surface,
25 mid-depth, and one meter from the bottom, to continuously

1 record data.

2 And that was April 1 through November 15. And
3 that was in there because there was a request from
4 stakeholders to look at temperature based on Vermont Yankee
5 -- or affected by Vermont Yankee.

6 MR. RAGONESE: How the intakes and the variable
7 operation would affect the movement of the water, the
8 thermal plume -- I don't know what you want to call it --
9 from where it is not. And if it's going away it doesn't
10 seem that we need that kind of resolution or - - .

11 MR. HOGAN: Okay.

12 So let's go ahead and break for a ten-minute
13 caucus and a restroom break.

14 (Recess.)

15 MR. HOGAN: It looks like the resource agencies
16 have come back.

17 Oh, did someone join us on the phone?

18 (No response.)

19 MR. HOGAN: Okay.

20 MS. MC CANN: Hey, Ken, this is Mary. I think
21 that David dropped off.

22 UNIDENTIFIED PARTICIPANT: Yeah, he did.

23 MR. HOGAN: Okay.

24 All right. So we had a caucus to confer on the
25 need for a modification to the water quality study,

1 particularly at Vernon as described just before the caucus,
2 and the agencies had asked for a caucus.

3 MR. CROCKER: Jeff Crocker.

4 We discussed it and we agree with TransCanada
5 that it can be removed, that's transect V-01, I believe.
6 But that just to confirm that all the other transects will
7 be monitored and that temperature will be collected from
8 April 1st to November 15th.

9 MR. HOGAN: So do folks have a preference as to
10 how to handle this? I mean, John, would you like to file a
11 -- I'm thinking a simple way would be for TransCanada to
12 file an amendment to that study plan and then perhaps have a
13 two-week comment period on that amendment. And we can
14 probably wrap --

15 MR. RAGONESE: What if before we file the study
16 plan we circulated the revision to the agencies and have
17 them -- I'm just trying to figure out the -- I would like
18 to have the study determination before the end of the year,
19 so I'm trying to reduce your time. I know it's not going to
20 happen, you're saying.

21 MR. HOGAN: Yeah, that's --

22 MR. RAGONESE: But I would like to --

23 (Laughter.)

24 MR. RAGONESE: I know. I know.

25 But I would like to have the most expedient way

1 we can. We're fine with filing one if that's what you want
2 us to do.

3 MR. HOGAN: Well, I'm just --

4 MR. RAGONESE: I'm trying to find the most --
5 the easiest way because you're saying you can't in your
6 study determination revisions do it without it in writing.

7 MR. HOGAN: No. We've got it in the record
8 right now.

9 MR. RAGONESE: Yeah.

10 MR. HOGAN: If you agree that that's the exact
11 change that needs to be done as recommended by the agencies
12 right now, we may be able to just do that in the study plan
13 determination.

14 MR. RAGONESE: All right. We'll give you
15 something in writing.

16 And I think we're going to -- just for our --
17 because that's kind of the way we do things, we'll circulate
18 it around to the agencies to make sure they're understanding
19 what it is. If they want to write a concurrence statement
20 or whatever -- e-mail or whatever they might want to do --
21 saying, 'This is what we understood you were talking about,'
22 that's what -- we may give that a shot.

23 MR. HOGAN: I mean because there are -- like I
24 said, there are a couple of options. To me this seemed like
25 a simple fix.

1 MR. RAGONESE: Yes.

2 MR. HOGAN: This could be very fast.

3 MR. RAGONESE: Okay.

4 MR. HOGAN: You put something together --

5 MR. RAGONESE: Sure.

6 MR. HOGAN: -- and then, you know...

7 MR. RAGONESE: Two weeks is probably fine.

8 MR. HOGAN: And then, you know, we would ask
9 for, you know, comments in two weeks. And then that's all
10 set. So when we do get to the study plan determination
11 we're just either approving it or approving --

12 MR. RAGONESE: Sure.

13 MR. HOGAN: -- with modifications.

14 MR. RAGONESE: We're going to do that.

15 MR. HOGAN: Does that work for folks?

16 The other option is, you know, we provide
17 consultation time; file a revised study plan, and then
18 comments on that, and then move forward. Or we require the
19 modification in the study plan determination. That's
20 another option.

21 MS. GRADER: This is Melissa Grader, Fish and
22 Wildlife Service.

23 From our perspective the most expedient thing
24 for the Service is either us going on the record now saying
25 we are okay with removing that particular transect from

1 Vernon impoundment; everything else in the study plan will
2 remain the same.

3 If TransCanada wants to circulate something to
4 the agencies by email, and if we could provide and the
5 Commission would accept an email response from us to the
6 same effect, those would be the most expedient ways for us
7 to get on record or on --

8 MR. HOGAN: I'll tell you what. You provide an
9 email to TransCanada. You incorporate the emails into the
10 filing and we'll call it good.

11 MR. RAGONESE: We'll get something to you.

12 MR. HOGAN: Okay.

13 MR. RAGONESE: The thing is we just don't have
14 that number in front of us. We're assuming it's the right.

15 MR. HOGAN: Or - - .

16 MR. RAGONESE: Yeah. Yeah.

17 MR. HOGAN: And I kind of wanted to avoid
18 getting into methodologies.

19 MR. RAGONESE: Yeah.

20 MR. HOGAN: But it sounds pretty simple on this
21 one.

22 All right. As long as the emails are in your
23 filing, John, or the communications are in your filing,
24 we'll just call it good based on the -- I want verbal yeses
25 from all the agencies in the room.

1 MR. DAVID: Owen David, yes.

2 MR. GRIES: Gabe Gries, yes.

3 MS. GRADER: Service, yes. Fish and Wildlife
4 Service, yes.

5 MR. SPRANKLE: Yes, Fish and Wildlife Service.

6 MR. CROCKER: Vermont Agency of Natural
7 Resources, yes.

8 MS. WILL: Vermont Fish and Wildlife
9 Department, yes.

10 MR. DAVIS: DEC, yes.

11 MR. HOGAN: Okay. Moving on.

12 Aquatic habitat mapping, study 7.

13 MR. RAGONESE: And can I make one more
14 statement while we are on that particular one, water
15 quality? And it really -- it sort of goes to -- there was a
16 lot of sort of detailed analysis of the tasks, sub-tasks,
17 and sub-sub-tasks yesterday.

18 And even in, for example -- and a good example
19 is the water quality one. You know, even though we wouldn't
20 be doing the field work ahead of time, we will try to have a
21 timely, you know, consultation with the agencies on the
22 specific, as our study plan requires. But we will engage
23 that potentially in the year before.

24 So whatever language -- however you guys craft
25 the shift, just do it in a way that gives us the flexibility

1 and not necessarily prescribes exactly when the consultation
2 will start because we're going to have to refigure all of
3 our work and resources to do that.

4 MR. HOGAN: Are you --

5 MR. RAGONESE: But an example in the water
6 quality is that we're saying delay the study until 2015.
7 But that doesn't preclude us wanting to do the consultation
8 for the sites.

9 MR. HOGAN: You're right.

10 MR. RAGONESE: And that covers all -- it sort
11 of covers all of it the same way.

12 MR. HOGAN: Yeah.

13 I think our intent is field work, you know,
14 would be applied in 2015 and we'll craft some language
15 regarding that in the study plan determination if we deem
16 the shifting of schedule inappropriate.

17 MR. RAGONESE: Correct. Thanks.

18 MR. DEVINE: I have a question. John Devine
19 HDR.

20 Has the QA/QC plan already been provided to the
21 agencies? That was what was contemplated in the study plan.

22 UNIDENTIFIED PARTICIPANT: It has not.

23 MR. DEVINE: Okay. So that would happen in
24 2014, then?

25 MR. RAGONESE: That's what we're saying would

1 be an example of something that could happen in 2014.

2 MR. DEVINE: Okay.

3 MR. HOGAN: Okay.

4 Study 7, Aquatic Habitat Mapping.

5 MR. RAGONESE: I'll just make a comment on that
6 now that it's too late but we've already done it.

7 (Laughter.)

8 MR. RAGONESE: As we said we were going to do
9 it.

10 We don't really want to do it again. So maybe
11 I could have Rick just comment briefly on just what -- the
12 elements that we have done. And we don't -- it's not, you
13 know and water temperature-dependent, though it's -- we're
14 hoping very strongly that we can do it --

15 MR. RAGONESE: -- on the schedule that we
16 anticipated doing it.

17 MR. SIMMONS: Yeah, we're out of the field on
18 that. We've collected the field data already in all three
19 impoundments. And right now we're actually doing the
20 polygon work back in the lab.

21 MR. RAGONESE: So we intend to share stuff
22 early in 2014 with folks on this.

23 MR. HOGAN: Folks have any concerns with that
24 mapping already having been done, or...

25 (No response.)

1 MR. HOGAN: No?

2 MS. WILL: Lael Will, Vermont Fish and
3 Wildlife.

4 You had the pressure transducers --

5 MR. SIMMONS: Yes, we --

6 MS. WILL: -- that included the temperature?

7 MR. SIMMONS: Yes. Yes, yes.

8 MS. WILL: How would that be affected? I mean
9 are you going to use that data for...

10 MR. SIMMONS: Well, we could -- the unit
11 collects it anyways and we can use it. So we have
12 temperature data at 82 units, you know, throughout the three
13 impoundments and riverine reaches.

14 And also we -- we're actually pulling those
15 units the first week in December, the majority of them. So
16 we've been downloading them. You can put them up in July
17 and we moved some around and added some more. And we've
18 been downloading them monthly.

19 And that's been going well with only loss of
20 maybe three. We had an embankment collapse in one storm
21 that kind of buried our unit. And we were too close to a
22 swimming hole in another one. That one disappeared. But
23 most of them are still there. So we'll pull those in
24 December.

25 And we're talking to TransCanada about leaving

1 some in for the winter. We have to move them to deeper
2 water because of, ice scour and other things that are going
3 to happen there.

4 But, you know, that's been done. And all of
5 them collected temperature.

6 MR. HOGAN: And how many of those are
7 influenced by Vermont Yankee and the thermal pool, plume?

8 MR. SIMMONS: Well, not that many. I think we
9 have three down below Vernon, and I don't think we have any
10 in the lower pool.

11 MR. RAGONESE: I'm not sure. I'm not -- I mean
12 we can...

13 MR. HOGAN: Well, then is there a plan to
14 collect that data also in 2015?

15 I'm not -- Well, sorry, I'm not real familiar
16 --

17 MR. RAGONESE: Well, I think that this -- And I
18 may be mis-speaking, so help me here.

19 But the primary purpose of getting those units
20 in this year was for the development of hydrologic
21 conditions. And then we responded that maybe it made sense
22 to just put thermistors in as well, which we did. And so
23 they would support a number of different things, including
24 the water quality site.

25 To the extent that we need to revisit the

1 monitoring of water temperature with these units, I don't
2 think it's a huge deal if we were to do that. I'm not sure
3 exactly how we would want to craft the revision right now.

4 MR. SIMMONS: Right.

5 MR. RAGONESE: So we may have a second one
6 we'll send you. But we have water quality monitoring that
7 will pick up some of this as well. I'm just not sure how
8 they're...

9 MR. SIMMONS: This wasn't designed for the
10 temperature piece of it. But we knew it was a great data
11 set to get. The units come with it; it's not like you can
12 get a pressure transducer without the temperatures. It just
13 comes with it. So it's on; we have the data.

14 And in '14 we're going to pull this data and
15 share it with the agencies this winter. And there was more
16 so that we could start to sub-sample on some of the
17 tributary access pieces, some of the backwater pieces.

18 We have some of these pressure transducers in
19 the main stem; we have some in backwater areas; we have some
20 in trip models that look very shallow and we needed to get
21 information on that.

22 MR. RAGONESE: When we get to that Study 13
23 there is a backwater area where we have one of these units
24 that's recording temperature.

25 I know it's of interest to Gabe and other

1 folks. We may want to repeat not necessarily I'd say the
2 operation, but we probably would just have the same type of
3 unit operation of in terms of - - the backwater. We know
4 that that is an area that's likely to be affected. It's a
5 shad spawning area.

6 But most of them are for a number of different
7 purposes than the purposes of why we placed them: hydraulic
8 modeling, access, erosion, anything.

9 MR. SIMMONS: And to find the shallow water
10 gravel areas and spawning areas all worked in with our
11 habitat mapping and our bathymetry. It's just going to help
12 us clearly see where -- areas that we have to focus on for
13 fish spawning.

14 And these units, when we get into those
15 studies, will be moved to colonial nesting sites like we
16 talked about. So the units are going to be back out there
17 in another year, but moved to certain locations that we
18 really need to look at where there could be impacts.

19 MR. GRIES: Gabe Gries.

20 I think our main concern was just if that
21 temperature data was going to be -- you know, if it was
22 influenced by the discharge it was going to be used to
23 inform other studies' locations, that sort of stuff.

24 MR. RAGONESE: Yeah. To the extent that
25 temperature was a critical element of analysis and we were

1 monitoring pre-Yankee shutdown conditions, we would not
2 consider that what we would want to use for anything else
3 because - - .

4 MR. HOGAN: So it sounds like folks are okay
5 with the study being ongoing and no reason to delay it Study
6 7, Aquatic Habitat Mapping?

7 (No response.)

8 MR. HOGAN: Study 8, Channel Morphology and
9 Benthic Habitat Study. Thoughts on...

10 Okay. Hearing from Lael Will that moving
11 forward is okay in 2014.

12 Any other thoughts?

13 (No response.)

14 MR. HOGAN: Okay.

15 Study 9, Instream Flow Study.

16 MS. WILL: I think we thought that this one
17 could also move forward.

18 MR. HOGAN: Being general agreement in the
19 room, okay.

20 Study 10, Fish Assemblage Study.

21 MS. WILL: We felt that this one needed to be
22 delayed because of the entrainment issue and also
23 distribution and abundances of fish may shift post-VY.

24 MR. HOGAN: Okay. And a delay to 2015?

25 MS. WILL: Yes.

1 MR. HOGAN: Yes?

2 MR. RAGONESE: Agree. All three projects.

3 MR. HOGAN: Right. Yeah. I guess we don't
4 have an interest in ...

5 MS. WILL: Yeah. And we talked yesterday that
6 we want all the data to be collected in the same year.
7 So...

8 MR. HOGAN: Okay.

9 So American Eel Survey, Study 11.

10 MS. WILL: We felt that this one should also be
11 delayed.

12 MR. RAGONESE: Agree.

13 MR. DEAN: Repeat that, Lael.

14 MS. WILL: We thought that this one should also
15 be delayed.

16 David, did you hear that?

17 MR. DEAN: Yes, no, I got it. Thanks. There
18 was just a little break-up there.

19 MR. HOGAN: Do you have thoughts on that,
20 David?

21 MR. DEAN: Huh?

22 MS. WILL: Are you okay with that?

23 MR. DEAN: Yes.

24 MR. HOGAN: All right.

25 Study 12, Tessellated Darter Survey.

1 MS. GRADER: Melissa, Fish and Wildlife
2 Service.

3 We felt this should be delayed in part because
4 of the high entrainment caused by Vermont Yankee on
5 tessellated darter.

6 MR. HOGAN: Okay.

7 Anybody object to that?

8 (No response.)

9 MR. HOGAN: 2015 is acceptable? Okay.

10 Study 13, Tributary and Backwater Fish Access
11 and Habitats Study.

12 MR. RAGONESE: This is TransCanada.

13 This is the one we were talking about where we
14 had one -- we looked over the sites that we were planning to
15 monitor in our study plan. There was one in the backwater
16 across from Vernon.

17 MR. HOGAN: Yeah.

18 MR. RAGONESE: So we don't think the study
19 should be delayed; but we do think there may be an element
20 for the water quality monitoring of that site that we would
21 want to just continue into the following year.

22 MS. WILL: I think that's what we decided as
23 well because that was often more of a physical study, but
24 then there was also the water quality component that we felt
25 should be addressed post-VY.

1 MR. HOGAN: So does that require an amendment
2 to the revised study plan?

3 MR. RAGONESE: We'll look at it and file
4 something similarly - - just to clarify what we would plan
5 to do there, yeah.

6 MR. HOGAN: And everybody's okay with that
7 approach?

8 (No response.)

9 MR. HOGAN: Okay.
10 So my notes on this are water quality
11 component, potential delay; the rest is moving forward in
12 2014. Right?

13 (No response.)

14 UNIDENTIFIED PARTICIPANT: A delay, or was it
15 an extension?

16 UNIDENTIFIED PARTICIPANT: An extension.
17 They're just going to keep operating for an additional year.

18 MR. HOGAN: They're going to look at it.

19 MR. RAGONESE: Yeah. I mean that's the intent.
20 Whatever the temperature element would be carried into the
21 post-VY shutdown period.

22 MS. WILL: Yeah.

23 Well, just to clarify, the study plan talked
24 about if you guys found that passage was impeded that you
25 would do additional water quality monitoring, not just the

1 temperature part of it but dissolved oxygen, et cetera. So
2 that would go along the same lines of revisiting that
3 post-VY.

4 MR. HOGAN: And this is at one site, not for
5 all three projects, one site at Vernon. Okay.

6 MR. RAGONESE: Well, the study kind of applies
7 to all areas. But the one there --

8 MR. HOGAN: But the modification or amendment
9 to the study plan that you're thinking about looking at.

10 MR. RAGONESE: The one that would carry to the
11 second year here, yeah.

12 MR. HOGAN: Okay.

13 MR. DEAN: So do I understand properly -- this
14 is David Dean -- that we'll see a rewrite of this?

15 MR. RAGONESE: This is John Ragnese in response
16 to David.

17 David, we're not going to rewrite the whole
18 study plan. We're going to file what we think are the --
19 would be the necessary amendments to the study plan. So we
20 might cite the location --

21 MR. DEAN: We'll see these changes in writing.

22 MR. RAGONESE: Yes. We will circulate them in
23 writing before we file them.

24 The idea behind that would be to look for
25 concurrence email back and we would try to, for the purposes

1 of consolidating the record and having the agencies provide
2 everything to FERC. That doesn't preclude you from doing it
3 on your own -- but we would try to facilitate that
4 consultation before we file the amendment with FERC so that
5 we were making sure we were filing something that you were
6 in agreement with. That's what we are going --

7 MR. DEAN: Okay. Good.

8 MR. HOGAN: A similar approach is going to
9 occur with the water quality study, study 6, David, if you
10 weren't on the phone at that time.

11 MR. RAGONESE: And the way I'm looking at, just
12 from the mechanics, is that there's a working group that
13 this study is associated with. That's really what our
14 intent was, to circulate the revisions or the draft
15 revisions to that working group.

16 Is that satisfactory?

17 MR. HOGAN: Is everybody in this room on that
18 working group?

19 MR. RAGONESE: Not everybody, but some of these
20 are on that.

21 MR. HOGAN: Well, if someone's not on that
22 working group and wants to be on that working group, I
23 suggest you get your name to John today.

24 MR. RAGONESE: Or file it on the website.
25 We'll be happy to have you. But, yes, do that.

1 MR. HOGAN: Okay.

2 MS. WILL: Sign up on paper?

3 MR. DEVINE: John Devine, HDR.

4 Is there an element of Study 14 that informs
5 13? And 14 would be related to spawning, resident fish
6 spawning. Is that coordinated with or integrated into 13 at
7 all

8 MS. WILL: The fish assemblage study might kind
9 of inform spawning.

10 MR. HOGAN: According to our notes, John --
11 well...

12 MR. RAGONESE: With respect to 13, we've
13 identified the locations in the study plan itself. So
14 they've already been identified as the ones without monitor.
15 So we're not adjusting that based on..

16 But maybe to what Lael is referring to is that
17 the fish assemblage may assist us in part identifying where
18 spawning and species distribution occurs for spawning --
19 target species or whatever we might want to call that.

20 MS. GRADER: I thought that -- Melissa, Fish
21 and Wildlife Service.

22 I thought that you were going to be choosing --
23 a group was going to select a sub-set --

24 MR. RAGONESE: Yes.

25 MS. GRADER: -- of those sites that were deemed

1 to be most influenced by project operation --

2 MR. RAGONESE: That is --

3 MS. GRADER: -- pursuant to the data that
4 you're collecting --

5 MR. RAGONESE: That's correct.

6 MS. GRADER: -- right now. So they haven't all
7 been selected yet, right? But the whole body has, but then
8 there's going to --

9 MR. RAGONESE: Yeah. Yeah, yeah.

10 That's what I'm talking about. We're not
11 identifying the whole body for assemblages. That's fine.
12 You did fine.

13 MR. HOGAN: Did you get your answer?

14 MR. RAGONESE: I think so.

15 MR. HOGAN: Okay.

16 So Study 14, Resident Fish Spawning in
17 Impoundments.

18 UNIDENTIFIED PARTICIPANT: Delay.

19 MR. HOGAN: Delay?

20 UNIDENTIFIED PARTICIPANT: Delay.

21 MR. HOGAN: 2015?

22 UNIDENTIFIED PARTICIPANT: Yeah.

23 MR. HOGAN: Okay.

24 Study 15, Resident Fish Spawning in Riverine
25 Sections of the study.

1 UNIDENTIFIED PARTICIPANT: Delay.

2 UNIDENTIFIED PARTICIPANT: Delay.

3 MR. RAGONESE: Agreed.

4 MR. HOGAN: Study 16, Sea Lamprey Spawning
5 Assessment.

6 UNIDENTIFIED PARTICIPANT: Delay.

7 UNIDENTIFIED PARTICIPANT: Delay.

8 MR. RAGONESE: Agreed.

9 MR. HOGAN: Also 2015?
10 (No response.)

11 MR. HOGAN: 17, Upstream Passage of Riverine
12 Fish Species Assessment.

13 MS. WILL: Delay.

14 MR. RAGONESE: Agreed.

15 MR. HOGAN: Study 18, American Eel Upstream
16 Passage Assessment.

17 MS. GRADER: Oh, this is the upstream eel
18 passage assessment. Okay.

19 MR. SIMMONS: We recommend delay.

20 MR. DAVIS: I think there was some -- Eric
21 Davis, Vermont ANR. There were some reconnaissance efforts
22 associated with the study that we felt could go forward, but
23 the field work would be delayed until - - .

24 MR. HOGAN: Okay.

25 Thoughts about that?

1 MR. SIMMONS: What reconnaissance? I just - -
2 .

3 MR. DAVIS: I'll have to find it in my study --
4 in the plan.

5 MR. SIMMONS: I think the first year we were
6 going to go out and do the searches. And then the second
7 year we would put in eel trap houses was that study plan.

8 I think the recon would probably be put off
9 also.

10 MR. DAVIS: Okay. That sounds good.

11 MR. DEAN: I'm sorry, I didn't hear that.

12 MR. HOGAN: Rick, could you repeat for David?

13 MR. SIMMONS: Yeah. We're going to delay until
14 2015.

15 Vermont had mentioned that there was a
16 reconnaissance effort as part of that study. That's true.
17 There was a nighttime -- nighttime surveys below the dams to
18 see where the eels were congregating possibly and where they
19 might be working up. And we're saying that needs to be
20 delayed, too, because of Vernon, basically.

21 MR. SIMMONS: So the whole timeline would move
22 from 2015 to 2016.

23 MS. GRADER: We're fine with that. I think we
24 had said that -- We had consulted with Alex Harrow and he
25 had felt that if there were potential temperature

1 differentials along the base of the dam then that could
2 influence upstream passage study.

3 And I'm aware that VY in the past has collected
4 data. And I believe they said that those data indicated
5 that there wasn't a temperature differential. But I don't
6 believe we ever saw those data. So it's probably, just to
7 be conservative, best to hold off and wait.

8 MR. HOGAN: Okay.

9 Katie.

10 MS. KENNEDY: I just had a question -- Katie
11 Kennedy with the Nature Conservancy -- maybe asking, since I
12 think that we had discussed going forward with the eel
13 studies at one point. And the eel study at Turners is
14 scheduled to go forward.

15 Are there any differences that can occur on an
16 annual basis that would bring concern in terms of doing
17 these studies at different times? I don't know.

18 MR. SPRANKLE: If we were going to be looking
19 at the two as a whole. I think it's more project-specific.
20 I mean I'm --

21 MS. KENNEDY: Okay. So abundance isn't going
22 to matter either way.

23 MS. GRADER: I think it's within a project.

24 MS. KENNEDY: Okay.

25 MS. GRADER: You know, it's going to be so

1 specific to the project and where the, you know --

2 MS. KENNEDY: Okay.

3 MS. GRADER: -- points of leakage and other
4 points of attraction are going to be --

5 MS. KENNEDY: Okay.

6 MS. GRADER: -- at a given project.

7 MS. KENNEDY: Okay.

8 MR. HOGAN: And the thought process on Turners
9 moving forward was because it's all mixed at that point.

10 MR. SPRANKLE: Yes.

11 MS. KENNEDY: Right.

12 MR. HOGAN: So you don't have the temperature
13 differentials across the face --

14 MS. KENNEDY: Right.

15 MR. HOGAN: -- of the dam that you may have at
16 Turners.

17 MS. KENNEDY: Right.

18 MS. DE WALD: If I could just like throw out
19 some recent modeling that we did last -- this past summer
20 that suggests that the thermal pool from Vermont Yankee, by
21 the time you get to the face of the Turners Falls dam the
22 river is back to within a degree of ambient.

23 MS. GRADER: Right. So temperature is still
24 elevated, but there's likely not a depth differential along
25 the face of the dam, which is the primary concern for this

1 specific study.

2 MR. RAGONESE: We ought to maybe just reserve
3 on this one.

4 I'm not totally sure we want to not try to
5 attempt to do this in one year with both those elements
6 somehow. I know that we've heard that this is what the
7 agencies would like. We would like to have had 2014 and
8 2015 to do this. But because the monitoring would then
9 extend into the fall of 2016, it becomes somewhat
10 problematic from a timing standpoint.

11 So we want to think about that a little bit.
12 And maybe there's another approach that may be workable to
13 do it all in 2015. I don't know.

14 But that's our challenge. We would like to
15 have the studies, if at all possible, done in 2015 and not
16 any extended past our application.

17 That said, it warrants potentially looking at
18 that there's another approach on this to not extend the
19 second half into 2016. So I'm throwing it out there.

20 MS. GRADER: But isn't that a difference in --
21 I mean trying to do it all in one year is different than
22 saying which year you want to do it in.

23 So I think we had commented that we wanted to
24 have a full season of surveying for areas of concentrations
25 before deploying the eel passage through collections. So it

1 sounds like you're saying something different than what was
2 in the study.

3 MR. RAGONESE: That's exactly what I'm saying.
4 We may want to revisit that and see if there is a way to
5 design a study that can do everything at the end of 2015.
6 And I don't know if there is. But I'm just suggesting that
7 we may want to do that.

8 I would like to avoid having only one study
9 that requires 2016.

10 MR. HOGAN: All right.

11 MR. RAGONESE: So I'm --

12 MS. GRADER: Well, if one of those ways is to
13 --

14 MR. RAGONESE: I'd like to not do that here,
15 though, because I don't think they want to, put a
16 placeholder in there. I'm not agreeing to 2016 yet. I'd
17 like to find an opportunity to look at this between now and
18 when we try to file something for you on any amendments.

19 MR. HOGAN: Okay. And if you can't reach
20 concurrence on it, that will be very important for us to
21 know.

22 MR. RAGONESE: Yeah. No, no.

23 MR. HOGAN: So if there's no agreement on the
24 approach we can either look at stakeholder consultation and
25 study plan development, you know, similar to what we've gone

1 through this summer, you know, or have a simple -- having
2 the agencies respond in comments to what needs to be done --
3 meaning 2015-2016 as written.

4 But I don't think it would -- it doesn't sound
5 like we're going to resolve it here --

6 MR. RAGONESE: No.

7 MR. HOGAN: -- at this meeting.

8 MS. GRADER: But I guess the only question I
9 have is if when you look at ways that you can try to get all
10 the information before the fall of 2016, if one of those
11 ways is by doing phase one in 2014 --

12 MR. RAGONESE: That's not what we're proposing.

13 MS. GRADER: Okay.

14 MR. RAGONESE: We think it should go to 2015.
15 What we're trying to figure out, if maybe there is another
16 broader design that might enable us to do all the work in
17 2015. I don't know. I'm not even --

18 MS. GRADER: Okay.

19 MR. RAGONESE: I'm not even trying to suggest
20 what it is except that if we were trying to do the first
21 phase to limit something in the second phase, but we chose
22 not to limit the second phase, then you potentially in
23 theory could do it all in one year. I don't know.

24 I'm just -- Just philosophically, I'm trying to
25 figure out if there's a way that we can sit down -- not in a

1 vacuum -- and look at this in a way, we would appreciate the
2 opportunity to look at it. Maybe we caucus and five minutes
3 later we say there's no way we can do that.

4 But I'm not prepared at this point to say we
5 will not do this in 2016.

6 MR. HOGAN: Understood.

7 So it sounds like you're going to take the
8 opportunity in the next couple of weeks to meet with the
9 agencies to discuss it. And TransCanada may or may not come
10 up with an alternative plan. And if there's concerns with
11 that alternative plan, we'll learn about it.

12 But even if we learn about the concerns --
13 let's say there are concerns -- we may put it back on
14 stakeholders and the licensees to come in either with a
15 revised study plan or we will just address it in the
16 determination -- Okay? -- depending on the magnitude -- what
17 we think, you know, if we feel that we just need some more
18 input.

19 MR. GRIES: Gabe Gries.

20 Just a general question. And you might not
21 have an answer to this one.

22 So with this, I mean obviously due to timing
23 and such there are some issues with, you know, for example,
24 trying to do a full field study in 2016 with this particular
25 study.

1 What if we get to 2015 and, you know, there's
2 just horrific weather events; you know, we feel that some of
3 the studies might not be representative. It's a very weird
4 year. I mean where does that lead us towards 2016.

5 MR. HOGAN: If we can demonstrate that the
6 anomalous conditions influenced the study results and the
7 study results were not representative of the normal
8 condition of the system, the integrated licensing process
9 does contemplate that and suggests that that's a cause for
10 conducting the studies again. You know, that's something
11 that we would look at.

12 We certainly need to understand that, you know,
13 just because you have high water doesn't mean it's going to
14 affect the terrestrial studies.

15 MR. GRIES: Sure.

16 MR. HOGAN: Let's say above the high water
17 mark.

18 You know, so I mean it's -- what was the
19 anomaly and did it have an effect on the data that was being
20 collected, you know, or likely effect; can you make those
21 connections.

22 But, yeah, we recognize that as a cause for a
23 re-do.

24 MR. GRIES: And I more just bring that up
25 because of, you know, the obvious delay of, you know,

1 missing out on 2014.

2 MR. HOGAN: Yeah.

3 I will say, you know, because TransCanada
4 doesn't want to conduct studies in 2016 is not a reason not
5 to conduct studies in 2016.

6 (Laughter.)

7 MR. HOGAN: But I'm more than happy to look at
8 other ways of setting the cap; if we can meet the data needs
9 and their desires, great. Okay?

10 MR. GRIES: Thank you.

11 MR. HOGAN: So my notes on American eel are
12 we're going to look at it.

13 (Laughter.)

14 MS. WILL: A delay and then --

15 MR. DEVINE: And not to start in 2014.

16 MR. HOGAN: Right. Not in 2014.

17 MR. DEVINE: A delay to at least 2015. And
18 TransCanada wants to consider a study being done all in 2015
19 so that might require a change in study plan. But that's --
20 TransCanada would like to have some time to consider that.

21 MR. HOGAN: I'm glad I made you note-taker.

22 (Laughter.)

23 MR. HOGAN: All right.

24 All right. Study 19, American Eel Downstream
25 Passage Assessment.

1 MS. GRADER: Delay.

2 MR. HOGAN: 2015?

3 MS. GRADER: Yeah, to 2015. I think -- I guess
4 we need to have a conversation about -- so the telemetry
5 portion would be delayed and Vermont Fish and Wildlife might
6 -- has -- maybe we should have a discussion --

7 MS. WILL: Questions.

8 MS. GRADER: -- Yeah, a question --

9 MS. WILL: Yeah.

10 MS. GRADER: -- about methodology on the High-Z
11 tag component and whether that also should be delayed.

12 MS. WILL: I guess my question was the
13 methodology with the balloon tagging and the added stress of
14 the temperature component of it. To remove that added
15 stressor would that affect mortality or survival.

16 MS. GRADER: Relative to -- at post-tagging tag
17 acclimation in the ambient river water. Is that so that
18 they're being collected somewhere that's, you know, not
19 influenced by VY discharge? Them getting held in heated
20 water, could that then affect something that, you know,
21 would influence the results of a turbine survival study?

22 MS. WILL: Yeah. That was my concern.

23 MS. GRADER: I mean it seems like an obvious
24 way to get around that is to acclimate them to
25 non-VY-influenced water. But I do know how feasible that

1 is.

2 MR. RAGONESE: Not acclimating them in the
3 pool?

4 MS. GRADER: Yeah, and pull those somewhere
5 off, you know, river that is in ambient --

6 MR. RAGONESE: And then put them through --

7 MS. GRADER: Yeah --

8 MR. RAGONESE: -- the same --

9 MS. GRADER: Yeah. Because if you're just
10 putting them through the rapids and the --

11 MR. RAGONESE: Yeah, but there's a --

12 MS. GRADER: What about --

13 MR. RAGONESE: I'm not sure how you can split
14 that. You either go one way or the other.

15 MS. GRADER: Well, if they're only in it for a
16 few seconds --

17 MR. RAGONESE: Well, they're not going to tell
18 us -- they're going to tell us. You're collecting them;
19 you've got to physically find them. You know, they're in
20 there for a little while.

21 MS. GRADER: Right. Right. After they've
22 been... But --

23 MR. RAGONESE: Well, I'm just trying to
24 comment.

25 MS. GRADER: Could I ask you --

1 MR. RAGONESE: Actually, that's a good
2 question. Because I don't know what the answer would be.

3 MR. SPRANKLE: I've got a question on that.
4 It's Ken Sprankle, Fish and Wildlife Service.

5 I'm thinking that it is problematic because of
6 the tailrace question. So you could say -- potentially not
7 have them acclimated, but they would have to become
8 acclimated because you're going to the tailrace. And so
9 you're subjecting them --

10 MR. HOGAN: That shock.

11 MR. SPRANKLE: -- to additional stress. So I'm
12 feeling less comfortable.

13 MR. RAGONESE: And we're fine with it all
14 getting pushed out. The only question that kind of -- I
15 mean I made a note that we could do it in the survival
16 component at all three -- but there was this numbers issue
17 that we couldn't get enough eels. So you've got to let us
18 know about that. Because if there's not enough eels to do
19 all these studies, this is the one to probably do in 2014.

20 MR. HOGAN: Tim.

21 MR. BRUSH: Tim Brush.

22 MR. RAGONESE: And let me just add: And we
23 want to do it at all three projects. Not that we think that
24 they're -- it's just that it's a -- we'd like to do that.
25 This is a very expensive study and -- just the set-ups and

1 the ordering and everything, we'd like to do it at all three
2 at the same time.

3 MR. BRUSH: Tim Brush with Normandeau.

4 We'd be doing that study for TransCanada. And
5 just a couple of points. I'm not advocating delay or not in
6 this set of comments here.

7 But it's a controlled study. So you have a set
8 of control fish that sort of account for the environmental
9 conditions, say, for the treatment variable. And we were
10 comfortable moving ahead with it if Vermont Yankee was
11 continuing to operate.

12 So we didn't see any particular risks to have
13 an unsuccessful study at Vernon. We've done studies on
14 smolts there; we've done some small studies, small-scale
15 studies on juvenile shad there.

16 So the conditions with Vermont Yankee
17 operating, we didn't see any particular study failure risks
18 going -- you know, had Vermont Yankee continued to operate.

19 So I don't see a particular problem with it.
20 And the fact that we have a control group as part of this
21 experiment then has broken out environmental variables to a
22 degree.

23 That was my primary comment. I'll leave it at
24 that.

25 MS. KENNEDY: This is Katie Kennedy with the

1 Nature Conservancy.

2 I think that a lot of these studies we could,
3 you know, go forward with them and include some element of
4 control. But from a bioenergetic standpoint we know that
5 most fish -- and I'm not an eel expert -- but most fish have
6 different stress levels that are different temperatures. So
7 whether or not you have a control, the mortality that occurs
8 at Vernon under the current temperature regime is going to
9 be different than it would occur under a normal temperature
10 regime.

11 MR. RAGONESE: Maybe.

12 MS. KENNEDY: Exactly. And that's the big --
13 whenever you don't know, it's just possible that it's not.
14 But if -- and I'm not an eel expert, but there are some fish
15 that were definitely there, the potential for them to have
16 higher mortality under different temperatures is likely.
17 Whether or not eel would, I don't know.

18 MR. RAGONESE: We're fine with this all getting
19 fleshed out. That was our preference. It was only until
20 you said something yesterday that we thought there might be
21 a problem moving forth from a numbers issue.

22 So just let us know.

23 MS. GRADER: It may be an issue, although it,
24 you know -- FirstLight is going forward in 2014 with that.
25 So that alleviates some of the, you know, numbers issue.

1 delayed. Right?

2 And hope we get enough eels to do the studies.

3 MR. HOGAN: Okay. 2015.

4 So Study 20, American Eel Downstream Migration
5 Timing Assessment. Influenced by temperature?

6 MR. RAGONESE: Okay. Let me just -- So this is
7 a sort of a --

8 Well, it is. But we do not want to do the
9 report -- we don't want to complete this until after we've
10 had the other studies, eel studies in the projects. But we
11 may be able to conduct the desktop at any time going
12 forward. But we don't want to write the report absent the
13 other studies being completed. And those are being delayed.
14 So it's the report element that we would...

15 So how you want to characterize this -- but
16 this is a sort of 2014-2015 period we need to do the study.

17 MR. HOGAN: Okay. So this one where the
18 desktop work can move forward and we'll do -- report on the
19 progress at the ISR and file a final report --

20 MR. RAGONESE: But I'm suggesting it doesn't
21 actually need to be done in 2014 either. We could do this
22 all in 2015 and avoid having to spend money on an interim
23 report.

24 MR. HOGAN: Thoughts?

25 MS. GRADER: The interim report wouldn't say a

1 whole lot, I don't think, other than a literature review
2 versus having great data which is, you know, Connecticut
3 River-specific, which is going to be informed by all these
4 studies that are getting delayed.

5 MR. DAVIS: Does the data in this report at all
6 depend on the Turners Falls, the data collected at Turners
7 Falls?

8 MS. GRADER: Some does, right? Wasn't the
9 hydro-acoustic portion, weren't you going to use some of
10 those data in this study? Or not? I thought I'd read that.

11 UNIDENTIFIED PARTICIPANT: What hydro-acoustic
12 --

13 MR. DEAN: Yeah, it does. It says specifically
14 that --

15 MS. GRADER: Not your hydro-acoustic.

16 MR. DEAN: -- data collected --

17 MR. HOGAN: David, could you say that again?

18 MR. DEAN: I'm sorry, Ken?

19 MR. HOGAN: We didn't hear it on the phone.

20 MR. DEAN: The study says that it would be
21 augmented by field data collected at Cabot Station.

22 MS. GRADER: Yes.

23 MR. HOGAN: Okay. So just go ahead and final
24 report in 2015. You got it.

25 MR. RAGONESE: That statement says the same

1 thing for our data.

2 MR. HOGAN: Okay.

3 So Study 20, 2015 also?

4 (No response.)

5 MR. HOGAN: Study 21, American Shad Telemetry
6 Study. I think the answer to that is 2015, correct?

7 MS. WILL: Correct.

8 MR. HOGAN: Study 22, Downstream Migration of
9 Juvenile American Shad.

10 2015?

11 (No response.)

12 MR. HOGAN: Study 23, Impingement, Entrainment,
13 and Survival Study.

14 MS. WILL: This study relies on data from the
15 fish assemblage study. So does that -- it needs to be
16 delayed. I know a lot of it's lit review; so probably the
17 lit review part could go forward.

18 MR. HOGAN: Right. I know --

19 MR. RAGONESE: Just for the record, this is
20 proposed for spring of 2015. So it's already proposed for
21 '15, I believe, because of that reason right there.

22 MS. WILL: Okay.

23 MR. HOGAN: So does that make that 2016?

24 MR. RAGONESE: No.

25 (Laughter.)

1 MR. RAGONESE: We may just do it -- We may do
2 it at the end -- the other end of 2015 when we have the
3 assemblage study.

4 You know, originally we had it, so we were
5 following the fish assemblage. We can still do this because
6 it is a desktop lit review. We're just going to do it
7 after. So if you're going to prescribe what month we'll do
8 it in, I can give you the month. But it's a 2015 study
9 already.

10 MR. HOGAN: I am.

11 MS. WILL: You can do it late 2015.

12 (Simultaneous discussion.)

13 MR. HOGAN: Doesn't it also incorporate the - -
14 .

15 MR. HOGAN: And that's occurring
16 in 2015.

17 MR. RAGONESE: We can amend --
18 because our study now probably does say spring. Do you want
19 us to amend it and say fall?

20 MR. HOGAN: Sure.

21 MR. RAGONESE: That's what I was afraid of.

22 (Laughter.)

23 MR. HOGAN: Well, no, no I mean --

24 MR. RAGONESE: No, that's fine. That's fine.

25 MR. HOGAN: Well, I'm happy just to make a note

1 here to move it to the fall, a change from spring.

2 MR. RAGONESE: We said spring because we wanted
3 to do it after the other one.

4 MR. HOGAN: But this -- My recollection is --
5 and my team will correct me if I'm wrong -- that the study
6 also incorporates the entrainment data from the shad and the
7 eels to verify the literature data from the EPRI studies.
8 So we've got to look at that timing, when those things are
9 occurring and reporting. That's what I was...

10 MR. CROCKER: Jeff Crocker, Vermont ANR.

11 I think one of the shad studies is already two
12 years. So 2016 might be in play, too, as we are discussing
13 things.

14 MR. HOGAN: I think it's requested for two
15 years and we are debating on that.

16 MR. CROCKER: Okay.

17 MR. HOGAN: It's an item in dispute before the
18 Commission, right?

19 MR. RAGONESE: Which one is?

20 MR. HOGAN: The Study 20 -- I'm sorry, Study
21 19.

22 UNIDENTIFIED PARTICIPANT: Isn't it 21?

23 MR. HOGAN: My report shows for the shad
24 telemetry studies there was a request for two years.

25 But I don't believe that was supported by

1 TransCanada. And that should take -- the two-year versus
2 one year is the dispute before the Commission firmly.

3 And whatever we decide it will be, it will be.

4 So we're on 23. Well, what was the result from
5 23, fish impingement? That was going to be just fall but
6 taking into consideration --

7 MR. RAGONESE: We'll send in something to the
8 effect that we would be doing this at the end of the --
9 having the results of those other studies, supporting
10 studies, it will likely be in the fall or the late -- the
11 second half of 2015. I'm not sure what month.

12 MR. HOGAN: Okay. I just wanted to make sure
13 that --

14 (Laughter.)

15 MR. DEVINE: John Devine with HDR.

16 The USR is due on September 30th -- Oh, we
17 don't know yet, I guess, because of the -- when the USR
18 would be due because that's going to depend on when the
19 study plan determination --

20 MR. HOGAN: No, I...

21 MR. DEVINE: USR -- sorry.

22 MR. HOGAN: The updated --

23 MR. DEVINE: The updated study report.

24 MR. HOGAN: Or the interim.

25 MR. RAGONESE: The ISR.

1 MR. DEVINE: Yeah.

2 MR. HOGAN: The first study season is the
3 updated study report. The second study season is the -- or,
4 I'm sorry, the interim study report and then the updated
5 study report.

6 John raises a good question. And process-wise,
7 you know, those deadlines are triggered off of the issuance
8 of the study plan determination.

9 In the past when we have had the split, which
10 is a sample size of one, the study plan determinations, the
11 interim study report and the updated study reports were due
12 one year from -- one and two years, respectively, from the
13 first study plan determination. So September, you know,
14 2013. And that basically brought everything back together
15 to the original --

16 MR. RAGONESE: It's fine with us.

17 MR. HOGAN: -- process plans.

18 So rather than getting a dual process moving
19 forward with, you know, study reports coming twice a year,
20 you know, we just --

21 MS. Will: Or whenever the second --

22 It's kind of like accounting: Last in, first
23 up.

24 MR. HOGAN: The first one.

25 UNIDENTIFIED PARTICIPANT: Of September.

1 MR. HOGAN: It puts it all back onto the
2 original schedule for the ILP.

3 Do you have a preference?

4 MR. RAGONESE: Again, just so we're clear and
5 understanding this as we're talking about this, the interim
6 study report is not necessarily the report on the study
7 results. It's an interim report on your studies that you're
8 - - .

9 MR. HOGAN: The ISR -- the interim study report
10 is a progress report of, 'We are conducting the studies;
11 this is what we've done. We have done them the way that we
12 are required to,' 'We have not done them the way we were
13 required to; we had a -- made a modification or had a
14 variance for these reasons. As a result of that variance
15 the data that we collected was either adequate to meet the
16 goals and objectives of the study or it was not.'

17 But that said, if the study has been completed
18 and the report is ready, typically the ISR would have an
19 individual study's report attached to it. And that would be
20 able to be commented on and weighed on in full.

21 MR. RAGONESE: If it wasn't provided prior.

22 MR. HOGAN: Right.

23 And usually the USRs do have more reports
24 because it's the second year and a lot of the one-year
25 studies, the reports have embedded all the data has been

1 QA/QC'd and the report has been prepared.

2 Any questions on that?

3 MR. DEVINE: Well, the point I was bringing up
4 there, too, Ken, was for that study 23 was that it was
5 originally going to be in the spring of 2015, which means it
6 would have been available for the updated study report. And
7 now it will be after that. So if that's the change, it
8 would not be available for the updated study report. So
9 it's just a change of availability.

10 MR. HOGAN: Okay.

11 MR. RAGONESE: I'm not sure what they will do
12 at any - - . I mean we may have a lot that will fall into
13 that category.

14 MR. HOGAN: And clearly for the schedules that
15 are interrelated, John, we're going to have to pay close
16 attention developing our study plan determinations to make
17 sure that we are not asking TransCanada to do something that
18 is in conflict with other studies, and, you know, really
19 making sure everything flows together the way it's supposed
20 to.

21 MR. RAGONESE: Ideally -- and I don't know if
22 the Commission has the latitude -- but I would not choose
23 September 13th and find the right date to do these in. And
24 that is probably at the end of the study season, like
25 October, the end of October/first of November so that we can

1 avoid having this kind of three different dates that are not
2 meshing.

3 So if it just -- you know, I don't know if you
4 have the latitude or not. But it seems to me that September
5 13th is kind of arbitrary and it kind of screws everything
6 up because half the -- so many of these are fall migratory
7 species that it just, you know, we can report, 'Yeah, it's
8 ongoing and we'll be done in two weeks, but we don't have
9 anything to give you.' You know, and it will be kind of
10 that kind of thing, whereas we might have more to give you
11 if it were just a little later.

12 MR. HOGAN: FirstLight, do you have a thought
13 on it?

14 MR. SULLIVAN: Well, just process wise we're
15 real surprised when you said that they -- if I understood
16 you correctly, you were going to hold the individual study
17 report date and get the study report date of September of
18 next year or September the year after. Did I understand
19 that?

20 MR. HOGAN: Yeah. Typically it would be
21 triggered off of the original study plan determination.

22 MR. SULLIVAN: Well, actually there would be
23 two aspects of that. He said you had a sample size of one.
24 And we were just trying to remember if this session came out
25 in Conowingo. And we're trying to remember whether or not

1 it all consolidated into one --

2 MR. HOGAN: All right. Let me rephrase that.

3 I know of a sample size of one. And Conowingo
4 was not it.

5 MR. SULLIVAN: It's right in -- and I'm being
6 on the record. It was like four years ago.

7 MR. HOGAN: Okay.

8 MR. SULLIVAN: Our concern is we are
9 short-changed particularly this year on timing. All right?

10 So there were some studies that we agreed
11 yesterday were 2014 studies. So our concern is being
12 short-changed a little bit on time this year. That means
13 that we also recognize that the initial study report is
14 basically kind of a progress report.

15 So I guess the take-home message for us is we
16 need to go back and think about that a little bit and we
17 want to look at Conowingo and some of the other examples.
18 It may not be an issue for us at all.

19 MR. HOGAN: Yeah.

20 MR. SULLIVAN: But we need --

21 MR. HOGAN: And on my sample size of one it was
22 Susitna.

23 MR. SULLIVAN: Susitna.

24 MR. HOGAN: And the licensees came in and they
25 provided an updated process plan that was consistent with

1 why I said where all the future dates were triggered off of
2 the initial study plan determination.

3 So I do think we may have some flexibility here
4 if folks -- I can promise you it won't be more than a year
5 from the next determination.

6 MR. SULLIVAN: Okay.

7 MR. HOGAN: Okay.

8 MR. SULLIVAN: Well, that would be after our
9 license draft because you're not getting it done until...

10 MR. HOGAN: No, the next study plan
11 determination, this one pending. Anyway...

12 MS. GRADER: I mean from the Fish and Wildlife
13 Service's perspective, I think it -- especially not so much
14 for the interim, but for the updated study report it seems
15 to make more sense to have it be tied to the end of appeals
16 because then -- I think for field biologists in the room,
17 ideally it would be maybe when this next study plan
18 determination comes out, which will be in maybe January,
19 which is not a field season.

20 So -- I mean that's just what's most convenient
21 for us. But it also makes sense to wait until the field
22 season's over.

23 MR. HOGAN: I'm going to put it on the
24 licensees. We want to keep the schedules on track between
25 both -- for both sets of projects.

1 You guys coordinate a schedule for the process
2 plan, something between September 13th and the next study
3 plan determination, which will probably be in January,
4 somewhere in there. Come up with a process plan for moving
5 forward. And we'll look at it; we'll either approve it or
6 deny it.

7 You make good points. I just can't say.

8 For us --

9 MR. RAGONESE: There's latitude.

10 MR. HOGAN: For us it's nice and neat when it's
11 triggered off of one of the study plan determination-base.
12 I'm not saying that that's -- that doesn't necessarily mean
13 that it has to be that way. But I mean we'll look at it and
14 we'll try to figure it out. And, you know, it could be
15 November first, December first, January first -- well, not
16 January first.

17 Actually, after Christmas for me would be much
18 better.

19 (Laughter.)

20 MR. HOGAN: It's because I don't want to be
21 working at Christmas each year.

22 (Laughter.)

23 MR. RAGONESE: Tell me if I'm wrong -- I mean
24 maybe I'm not -- maybe I don't have the right calendar in my
25 head. But if it's triggered on the second determination

1 then the updated study report is after we file a draft
2 license.

3 MR. HOGAN: I'd have to do all the math.

4 MR. RAGONESE: That's the challenge.

5 MR. HOGAN: Yes, it is.

6 MR. RAGONESE: So it's got to be prior, but
7 just more in line with when the studies are going to be
8 completed in 2015. Otherwise it's just impossible.

9 MR. HOGAN: Yeah, and that's what we need to go
10 over.

11 MR. DEVINE: The draft is December first. The
12 draft would be no later than December first of 2015.

13 MS. GRADER: What? The preliminary licensing
14 proposal?

15 MR. HOGAN: Yes.

16 MR. DEVINE: Or a draft, whatever.

17 MR. HOGAN: But you have ninety days.

18 MS. GRADER: For the PLD.

19 What about for the USR? What's the comment
20 period for those?

21 MR. HOGAN: A lot of times they come out at the
22 same time. That's 15 days for the meeting and 15 days for
23 the comments, I think. I'd have to go back to check.

24 MR. DEVINE: 45.

25 MR. HOGAN: 45?

1 MR. DEVINE: Yeah.

2 MR. HOGAN: So 45 days.

3 MS. GRADER: Anybody ever say that these ILP
4 time frames are just insane? I just want to go on record.

5 (Laughter.)

6 MR. HOGAN: We've never been accused of being
7 soft.

8 MR. RAGONESE: I'll cook a turkey in 2015. I
9 mean I don't do donuts, but I will do a turkey if you need
10 to, you know, work through Thanksgiving.

11 (Laughter.)

12 MS. GRADER: Turkey makes people sleepy, John.

13 MR. RAGONESE: Okay. That's great.

14 (Laughter.)

15 MR. HOGAN: So there is a legitimate concern
16 associated with the new schedules and timing of the ISRs,
17 the USRs, PLP. And we'll look at that.

18 Julia.

19 MS. WOOD: Ken, I would add the concern also
20 with the study reports is we'd like to avoid filing two
21 different sets of initial study reports and updated study
22 reports.

23 MR. HOGAN: You mean one that handles the first
24 determination and then one that handles the --

25 MS. WOOD: Yes.

1 MR. HOGAN: -- the next pending.

2 We agree. And that's why I was saying, you
3 know, in the past my experience has been it's all -- it was
4 triggered with Susitna, it was all triggered off of the
5 first study plan determination. And that's what brought it
6 all back onto the same schedule.

7 Yeah, I know. We agree.

8 MS. WOOD: Okay. So our proposal, we'll try to
9 coordinate. And we will coordinate it with TransCanada.
10 We'll address all these issues.

11 MR. HOGAN: Okay.

12 Does that sound fair to folks who are going to
13 look at the schedules, how they fall out. We'll get a
14 proposal from the licensees. We'll consider whether or not
15 we can live with that or not.

16 Okay. Does anybody -- Let me see. How many do
17 we have left? We've got three left.

18 Anybody need a break?

19 (No response.)

20 MR. HOGAN: Okay.

21 Okay. Study 24, Dwarf Wedgemussel and
22 Co-Occurring Mussel study.

23 MS. WILL: We thought that this one could move
24 forward.

25 MR. HOGAN: Yes. 2014, no change.

1 Study 25, Dragonfly and Damselfly Inventory and
2 Assessment.

3 MR. CROCKER: Jeff Crocker.

4 Based on yesterday's conversation, we feel it
5 should be delayed until 2015.

6 MR. HOGAN: Okay. We're getting --

7 MR. RAGONESE: Agreed.

8 MR. HOGAN: -- affirmative from TransCanada
9 also.

10 All right. So the next item was kind of an
11 error on my part in the study plan determination. It's the
12 -- We got requests for modification to TransCanada's studies
13 to incorporate -- to a number of TransCanada's movement
14 studies to incorporate hydro-acoustics at Vernon. I
15 inadvertently included it as a stand-alone study request,
16 but it was really a modification to other studies.

17 What I've learned, and Lynn, you can correct me
18 if I'm wrong, is in -- Let me back up.

19 In TransCanada's study plan for Vernon there's
20 a proposal to acknowledge that Entergy is planning to do
21 hydro-acoustics in the Vernon four bay.

22 MR. DE WALD: Were planning, or are planning?
23 I don't know if that's the plan.

24 (Laughter.)

25 MR. HOGAN: But the intent, which was not real

1 clear was that -- from our perspective was that it was
2 implied that TransCanada was going to utilize that data in
3 its study plan. Maybe that was not your intent. But there
4 was acknowledgement that that study was going to be ongoing.

5 So was that your intent or not?

6 MR. RAGONESE: It was not our intent. Our
7 intent, to the extent that we identified that, is suggesting
8 that the study request was basically made to two different
9 parties for the same purpose, and that the purpose was more
10 a purpose for Yankee than TransCanada.

11 MR. HOGAN: Okay.

12 MR. RAGONESE: So we did not propose it.

13 MR. HOGAN: All right.

14 MR. RAGONESE: And we would continue to suggest
15 that all of the study meeting language was associated with
16 the need for a more refined picture through the use of
17 hydro-acoustics for a number of migrating species because of
18 the effect or the potential effect of decisionmaking based
19 on where the thermal changes in the river were. So by
20 eliminating the root issue, we think there's even less need
21 for hydro-acoustics. We also don't think that there is
22 enough evidence that this is a proven technology and purpose
23 for that.

24 MR. HOGAN: I'm not -- Okay. I don't want to
25 get into --

1 MR. RAGONESE: So that's -- I know. But that's
2 -- No, but I'm trying -- You asked me why we didn't do this
3 and why we did it.

4 MR. HOGAN: Okay.

5 MR. RAGONESE: And those are the reasons why.

6 MR. HOGAN: All right.

7 Now, Lynn, my understanding is that Entergy is
8 no longer proposing to go forward with this or maybe other
9 environmental studies that they were planning to do, is that
10 --\

11 MS. DE WALD: That's correct.

12 MR. HOGAN: Okay.

13 So a quick question for I guess Ken.

14 With Vermont Yankee -- I guess two questions --
15 Vermont Yankee shutdown is hydro-acoustics still an interest
16 of the agencies?

17 MR. SPRANKLE: It is, as it is with FirstLight.
18 We had questions on the timing, magnitude, duration.

19 Yes, with Vermont Yankee of course we were
20 interested; in the absence of Vermont Yankee that data is
21 still we feel of importance and value for our concerns for,
22 you know, evaluating project --

23 MR. HOGAN: Follow-up question, because this is
24 not even what we are dealing with in the dispute.

25 Does that apply -- is 2015 more relevant or

1 2014 to your request for this data?

2 MR. SPRANKLE: 2015, yes.

3 MR. HOGAN: Any questions with our last study?

4 MR. RAGONESE: I would like just a little
5 clarification on the process because questions came up
6 yesterday and now it's more in my basket than theirs so I
7 had to pay more attention.

8 MR. HOGAN: Well --

9 MR. RAGONESE: So if a determination is made
10 that hypothetically includes hydro-acoustic technologies in
11 studies and we disagree, what is our option in this changing
12 environment? We have no option to dispute or anything along
13 those lines --

14 MR. HOGAN: The Commission --

15 MR. RAGONESE: -- because of the environmental
16 change in baseline that we think was the root cause for the
17 hydro-acoustics since the exact same study was suggested to
18 be provided by the nuclear operator.

19 MR. HOGAN: I see. So you're wanting an
20 opportunity to augment your discussion as to why
21 hydro-acoustics continues not to be appropriate or is no
22 longer --

23 MR. RAGONESE: Hypothetically, yes.

24 MR. HOGAN: File a letter. I mean, you know,
25 the record's open. I can't -- I assume the arguments are

1 the same. If they're different because of the VY closure,
2 feel free to augment the arguments as well.

3 MS. GRADER: Beyond what Ken just put on the
4 record -- I mean --

5 MR. HOGAN: Well, those are the same arguments
6 that have already been made. I'm saying if there's a new
7 argument that's a result of the VY closure, we'll entertain
8 all the information.

9 You know, if there's more support for why now
10 it's even more important, we're happy to entertain that.
11 Support for why it's less important, we're happy to
12 entertain it. I mean it's --

13 MS. GRADER: Okay. Got it.

14 MR. HOGAN: -- you know -- but I want it tied
15 to Vermont Yankee; I don't want it tied to -- or just a
16 reiteration of what's already in our record.

17 MS. GRADER: Right. And we'll review what we
18 provided in the past. If we think supplementing our
19 comments would be beneficial, then we'll do that.

20 MR. HOGAN: All right.

21 MR. SULLIVAN: Is there a schedule for
22 supplementing the plan? I heard that --

23 MR. HOGAN: I would do it quickly. Like I
24 said, I plan to -- if you can do it before Christmas, that
25 would be great. The study plan determination is not going

1 to go out before Christmas -- unless I'm told otherwise.

2 (Laughter.)

3 MR. HOGAN: But I would highly doubt that. And
4 what I would -- Well, like I said, before Christmas I do
5 hope to have a schedule out for moving forward. And that
6 moving forward may or may not include a comment period; I
7 don't know yet.

8 MR. RAGONESE: The discharge is we should
9 review what's in the record and not repeat it, but we can
10 augment what's in the record.

11 MS. GRADER: If it's relevant to VY.

12 MR. RAGONESE: I'm not sure I would agree that
13 it has to be; it's just not in the record.

14 Because you're not -- Are you limiting me, what
15 I can --

16 MR. HOGAN: No.

17 MR. RAGONESE: Okay. That's what I thought.

18 MR. HOGAN: No, no, no. I --

19 MR. RAGONESE: Good. Thank you.

20 MR. HOGAN: You can file whatever you want.
21 But all I'm saying is to make your comments more efficient,
22 you don't need to refile --

23 MR. RAGONESE: What we've already filed.

24 MR. HOGAN: -- what you've already filed.

25 And like I said yesterday, the last study here

1 not being -- is a requested study that was not adopted. My
2 mistake was the way I incorporated it here. But it is an
3 issue that is in dispute.

4 I wanted to make sure we discussed these
5 components that maybe influence -- this could almost be a
6 stand-alone study. We're discussing them equally as if they
7 were proposed or not proposed.

8 It should not imply any support or non-support
9 by the Commission right now. We just want to make sure we
10 have the information so should we choose to agree with the
11 request, we have the data that we need to move forward on it
12 in that event. So... Okay?

13 Yes, sir.

14 MR. FISK: Andy Fisk from the Connecticut River
15 Watershed Council.

16 I just wanted to cycle back to an issue that
17 was brought up yesterday. It's regarding ice and the
18 erosion studies.

19 MR. HOGAN: Yes.

20 MR. FISK: So I wanted to bring that forward
21 because I think there are stations TransCanada is doing
22 below Vernon that may be affected with the change in VY. So
23 I wasn't present yesterday; David wasn't part of that. So
24 if we could just bring that back around for conversation. I
25 think it's Study 3.

1 And then I had another issue on 7q10 that I
2 wanted to just pose.

3 MR. HOGAN: Another issue on -- what was it?

4 MR. FISK: On 7q10, water quality monitoring.

5 MS. MC CANN: Excuse me, I could not hear any
6 of that conversation.

7 MR. HOGAN: Okay.

8 Mary, the request is from Andy Fisk, who wants
9 to discuss Study 3, which is erosion and regarding
10 specifically ice.

11 And then I didn't -- what was the study 7?

12 Okay. So Study 3.

13 Go ahead, Andy.

14 MR. RAGONESE: Well, yeah. Maybe I can help
15 with this.

16 So generally speaking, we look at Studies 1, 2,
17 and 3 as one big study because they relate in the final
18 report on one or three or whatever it is, they're all going
19 to bring in elements together. I'm not -- I can't say I'm
20 totally familiar with the distinctions between what the
21 issue was at FirstLight.

22 But we do have transects proposed and we have a
23 monitoring schedule that goes into 2015 as well. It's a
24 two-year monitoring. So we have every intention of bringing
25 ice into the discussion from day one. And it hasn't changed

1 one bit. Not just below Vernon, but anywhere.

2 So I think we're covered. I don't know if
3 there's any element that wasn't already, you know,
4 incorporated in one or all three of these studies that are
5 associated with, you know, ice mechanics and effects that
6 are associated with erosion. So I don't think it was
7 absent.

8 We did not select transects on the basis of
9 ice. We didn't necessarily select the transects that we
10 provided you guys with this fall on the basis of active
11 erosion, necessarily. We have a broad sample of different
12 kinds of conditions that we want to monitor. And that's
13 what we proposed.

14 MR. HOGAN: What's the -- I'm sorry, go ahead.

15 MR. RAGONESE: The transects are identified in
16 one -- isn't that identified in one?

17 UNIDENTIFIED PARTICIPANT: Two.

18 MR. RAGONESE: Two. I'm sorry.

19 MR. HOGAN: No, the duration of three, Study
20 Plan three, is that a --

21 MR. RAGONESE: I think they're all go until
22 2015 --

23 MR. HOGAN: Two years.

24 MR. RAGONESE: -- in our minds, you know.

25 MR. HOGAN: Two years.

1 MR. RAGONESE: Yeah.

2 MR. HOGAN: Okay.

3 Andy, does that --

4 MR. RAGONESE: I mean we're going to get them
5 with historical documentation earlier than that. But it
6 won't really be incorporated into a report.

7 MR. HOGAN: No, my question was just more tied
8 to the VY closure and when was the study being conducted.

9 So, Andy, it sounds like it's being conducted
10 in '14 and '15. Does that satisfy the concern?

11 MR. FISK: Yes, sir.

12 MR. HOGAN: Okay.

13 And then you had another one?

14 MR. FISK: And again, Andy Fisk, Connecticut
15 River Watershed Council.

16 Bringing it back around -- Mary, can you hear
17 me? Is it picking up on the phone?

18 MS. MC CANN: Most of it; not all of it.

19 MR. FISK: Stand up.

20 Apologies for bringing it back around to some
21 of the earlier conversation. It's really a question and it
22 relates to my admittedly unfamiliarity with critical
23 conditions on the river.

24 So seconding John's observation about looking
25 for flexibility in the water quality monitoring, so

1 deferring it, as we've said, makes sense; it has to do with
2 the question of stations above VY that TransCanada would be
3 monitoring for water quality. So the question relates to
4 there's an opportunity in having an additional year, as well
5 as a detriment.

6 I'm wondering how likely are you to hit 7q10 or
7 critical conditions, and is there an opportunity to stay
8 flexible for stations above the influence of VY to be
9 monitored if critical conditions show up in 2014 and are
10 likely not to show up in '15, because, again, any time you
11 have a window and you're looking for critical conditions at
12 7q10, sometimes you'll get them, sometimes you won't.

13 So will the monitoring have an opportunity to
14 capture a condition above VY in those years -- in the first
15 year that would otherwise be delayed? And that's just a
16 question whether it makes sense to include that type of
17 flexibility. I'm not conversant enough with how often
18 you're going to hit 7q10 or critical flow conditions.

19 MR. RAGONESE: Actually, I may leave that for
20 Katie because I think we're probably on the same page.

21 It goes back to I guess what the goal is. If
22 we wanted to measure water quality at a particular outflow
23 or something that was very specific and unique. But we're
24 really talking about, by doing all this NEPA analysis, we're
25 talking about cumulative effects. And we need the same

1 conditions going on to be able to make the parallels.

2 We have water quality data that we have
3 collected. We think it's also appropriate -- and it's in
4 the record. And we have done monitoring at Vernon, above
5 and below Vernon as well with -- as associated with our
6 upgrade at Vernon. And that was more along your lines. We
7 weren't allowed to do that until we got to the worst
8 conditions, to do exactly what you're asking for. And
9 that's in the record as well.

10 So I think our water quality study, though,
11 that we've designed here is really trying to look at the
12 same conditions in the river. And so we're not terribly --
13 I don't know -- amenable to splitting and having a lot of
14 flexibility in terms of when we do the study in certain
15 places and then do the other. It doesn't meet our goals.

16 But I know that -- you may have the same
17 perspective or not; I'm not sure.

18 MS. KENNEDY: This is Katie Kennedy, the Nature
19 Conservancy.

20 I just want to make sure I understood what Andy
21 was saying.

22 Are you saying that you're wanting to ensure
23 that we don't reach critical conditions in 2014 --

24 MR. FISK: No.

25 MS. KENNEDY: -- or -- Okay.

1 MR. FISK: The observation is here your
2 monitoring strategy is considering critical conditions. And
3 so you may get them; you may not. And so now we actually
4 have a two-year window with an opportunity to hit critical
5 conditions in some of the stations.

6 And I recognize it makes the sampling strategy
7 a little less coherent if you split. But the question is
8 can you -- I mean if -- you may have under a one-year window
9 no critical conditions and you don't hit those. And that's
10 where my lack of detailed understanding of the likelihood of
11 missing critical conditions in a one-year monitoring window.

12 Now we have two. So could we at least get half
13 the baby or have more opportunity to at least get half the
14 baby for those stations above the influence of VY.

15 MS. KENNEDY: And you wouldn't want to split
16 the data because then you can't compare it. So you want to
17 make sure you have one full data set; otherwise you're
18 looking at apples and oranges.

19 And then the other thing is that you don't have
20 two years -- right? -- because the study just proposes a
21 one-year study. So unless we change the fundamental study
22 all together, it is just a one-year study, I think, if
23 that's what I'm understanding.

24 So we really can't split it unless we start
25 from scratch.

1 Is that kind of right?

2 MR. RAGONESE: Well, it's a one-year study.

3 MS. KENNEDY: Right.

4 MR. RAGONESE: You would have to start from
5 some level of scratch -- okay? And then we don't have two
6 years because we're postponing one in order to keep the same
7 conditions in the river that we're monitoring and basing a
8 study on that the effects that our projects have on water
9 quality.

10 That's what our purpose is. It's not try to
11 capture 7q10 because it's very hard to capture 7q10 in the
12 Connecticut River. It doesn't happen very often -- very,
13 very often.

14 MR. HOGAN: Let me get ask a question.

15 Andy -- Let me ask a question, please.

16 You know, you keep saying now we have an
17 opportunity for two years. The Commission's ILP provides
18 for two years of studies. We've gone through study plan
19 development phases, you know, over the last year that, you
20 know, the study plan was developed for one year.

21 I'm curious, is your two-year request now tied
22 to Vermont Yankee closure?

23 MR. FISK: I'm not asking for two years of
24 data. What I'm just saying is within now what is a two-year
25 window, if there is --

1 MR. HOGAN: The two-year window has always
2 existed until we got the revised study plans. So I'm
3 wondering why the issue wasn't brought up, you know, nine
4 months ago in the development of the study plans. Unless
5 it's new because of the Vermont Yankee. I'm trying to keep
6 the meeting on track for --

7 MR. FISK: Yes.

8 I'm reflecting on the fact that the water
9 quality monitoring study was changed in respect to VY's
10 closure announcement. And so it's asking if there is an
11 opportunity to allow for flexibility to capture 7q10
12 conditions that might otherwise be missed because there are
13 now two windows to do that. It means separating the study
14 -- and I understand that introduces some analytical
15 difficulties to it.

16 And so it's a -- and again, I'm not the expert.
17 But I do know it's difficult to capture 7q10. So it would
18 be great if 7q10 showed up, and we missed the opportunity
19 for half the stations above the influence of VY, well, I
20 think that you can account for that in your analysis. But
21 again, that's not my field.

22 MS. GRADER: I believe -- Isn't the way the
23 study plan is worded that -- so it's a one-year study. But
24 if in that study year it was a wet year, then that you would
25 -- the study would be repeated --

1 -- in that additional study year. And
2 hopefully that would be a drier year. But --

3 UNIDENTIFIED PARTICIPANT: Or vice-versa.

4 MS. GRADER: But I don't -- I mean the chances
5 of catching 7q10 type, you know, probably wouldn't even
6 happen in a two-year study window. But the intent is not to
7 evaluate data that is --

8 MS. KENNEDY: Anomalous, right.

9 MS. GRADER: Yeah, anomalous. And I can't
10 remember what the specific -- It was does it have to within
11 the 27th to 75th percentile or what the exact wording was.
12 But I think that's the case, right?

13 MS. GRADER: So there would still be that
14 opportunity to collect data --

15 MR. RAGONESE: The post-license operation --

16 MS. GRADER: -- that's not representative
17 eventually. But I don't think it's meant to capture those
18 7q10 type of things that you're hoping to catch.

19 MR. FISK: So I'd just like to frame my
20 question so I understand that.

21 So by moving the study forward -- because again
22 part of the conversation we've had today is, well, all
23 right, moving forward we're bumping up against some other
24 internal deadlines. So do you still have two-year windows
25 to be able to capture a range of conditions by moving the

1 water quality study forward in time one year?

2 You still have that two-year window in order to
3 capture some anomalous --

4 MR. HOGAN: I think what I've said is, you
5 know, the Commission is interested in quality data to inform
6 its environmental analysis needs. If in 2015, because we've
7 shifted the schedule or because we shift the schedule for,
8 you know, limitation of the study in 2015, if there are
9 anomalous conditions in 2015, our -- just because we're up
10 against process schedules and license application filing
11 deadlines is not a reason for us not to collect the data
12 that we need to do our analysis. So, you know, 2016 is on
13 the table; 2017 may be on the table.

14 I'm just saying, you know, the data drives the
15 process first and our schedules come second.

16 MR. FISK: So just to -- I don't want to drive
17 this on forever and ever. So let me flip it back.

18 If in 2014 it appears to be that we could see
19 7q10 conditions -- which I think is interesting to be able
20 to look for - is there an opportunity to capture those at
21 stations not subject to the influence of VY?

22 MR. HOGAN: If we were to capture 7q10
23 conditions, that would be justification for doing another
24 year of study.

25 MS. KENNEDY: So -- This is Katie Kennedy.

1 So the purpose of the study is not to have
2 interesting information. I mean you've got to write that
3 off at the beginning that the point is not -- this is not
4 just for the sake of science. Otherwise I think you all
5 would be doing all these studies in two years if our purpose
6 was to get as much information as we could because everybody
7 would like to know what the difference is before and after
8 VY.

9 But that's not -- unfortunately, from a
10 scientific point of view, that's not the purpose of these
11 studies. So we're not looking for interesting conditions.
12 We're looking for normal conditions, I think.

13 MR. HOGAN: Andy, I will say --

14 MR. FISK: But the study plans reference 7q10.
15 And I'm not looking for -- to analyze the effect of VY.

16 What I'm doing is trying to figure out, if we
17 get an appropriate condition of the river that informs the
18 water quality monitoring strategy in 2014, can we take
19 advantage of that? Or is the difficulty in the study design
20 such that splitting apart the stations, grabbing data about
21 the river at stations above VY, if that's going to just do
22 too much violence to the study, that's fine.

23 MR. HOGAN: I think part of the problem is
24 you're saying, 'If we get conditions in 2014.' Those
25 decisions need to be made -- if we were going to monitor for

1 2014, we'd have to be monitoring now and awaiting to
2 determine whether those conditions are going to represent
3 themselves to the deployment of the equipment to collect the
4 water quality. You probably wouldn't capture anything.

5 So I guess at this point what I'm saying, Andy,
6 is it you want to file a letter with the Commission and ask
7 for this modification that it be done in 2014 and 2015, or
8 if that's your recommendation on the record, you know, we'll
9 take that back and consider it. But I don't think you're
10 going to get agreement from TransCanada.

11 I'm not going to tell you right now, 'yeah,
12 that's a great idea.' I mean we're looking at what the
13 study plan was. Does it make sense to move it or not as a
14 result of the VY decommissioning.

15 Our record is always open. And, you know, if
16 you feel strongly that you'd like to see the data collected
17 in both years because of the VY decommissioning, then, you
18 know --

19 MR. FISK: Okay.

20 MR. HOGAN: -- I believe - - .

21 John.

22 MR. BENNETT: John --

23 MR. HOGAN: Hold on. We're going to get you a
24 mike.

25 MR. BENNETT: John Bennett with Windham

1 Regional Commission.

2 I actually wanted to just return briefly to the
3 first point Andy raised about the ice and --

4 MR. DEAN: Excuse me. I can't hear any of this
5 conversation.

6 MR. HOGAN: All right.

7 Come on up, John.

8 MR. BENNETT: I just wanted to return to the
9 issue that Andy raised first about the ice. And John
10 responded that they had contemplated addressing it in
11 studies one, two and three. But I don't see anything in the
12 methodology there specifying it.

13 And we're not looking to bring it up anyplace
14 else except for Vernon pool and downstream so it's not a
15 huge tweak to anything that you're doing. But there isn't
16 any methodology that I saw in the study proposals to deal
17 with the ice.

18 MR. RAGONESE: I guess what I was trying to say
19 is that it's not specified to deal with ice caused by
20 Vermont Yankee because - - whatever -- The absence of having
21 VY is an effect of VY, in my opinion. But we have erosion
22 studies that's going 100-and-some-odd miles upstream on both
23 shorelines. And there is ice up there.

24 So it's not -- we're not limiting it to the
25 change that's occurring at VY. We're saying our study will

1 inevitably be looking at ice. We're not -- I'm not
2 interested in understanding what the changes caused by VY
3 are; I'm just interested in looking at the cause or the
4 effect that ice has.

5 MR. HOGAN: So that --

6 MR. RAGONESE: And that's inherently one
7 element of many --

8 MR. HOGAN: And the methodology above VY is the
9 same as being applied below VY.

10 MR. BENNETT: And I would just say that some of
11 us are interested in the changes that are happening from VY
12 and downstream of it as a result of the change in
13 conditions. And trying to coordinate what you may or may
14 not be doing or what FirstLight may or may not be doing with
15 ice seems to be a relevant concern.

16 How might we try to advance this interest? A
17 letter to you?

18 MR. HOGAN: Well, I think, John, we're not
19 interested in the change either. We're interested in
20 capturing the new baseline. And that's the whole intent of
21 these meetings is to identify when is it appropriate to
22 initiate the monitoring of whatever is to be monitored to
23 capture the new baseline as a result of Vermont Yankee's
24 decommissioning.

25 For TransCanada's studies for erosion, you

1 know, the geographic scope is from just below Vernon dam up
2 through the Wilder impoundment. Clearly upstream of Vermont
3 Yankee there's ice on the reservoirs and their erosion
4 studies will capture eroding conditions there. And they're
5 applying the same methodology downstream.

6 So I think the idea is that it's already
7 encompassed. So I'm not sure that to capture that new
8 baseline condition there needs to be a modification to that
9 study. We'll take a look at it and consider it, but I'm not
10 interested in capturing what was it before and what is it
11 after. I want to know what it is going to be, you know, to
12 the extent that we can, you know, moving into the future,
13 what will that baseline condition be. Okay?

14 MR. BENNETT: I just didn't see anything in the
15 study proposal.

16 MR. HOGAN: And ice is -- and make sure that
17 we're looking at it appropriately.

18 Okay. Any other questions or comments or
19 studies? Or did we not identify all the studies today that
20 someone thinks should be addressed?

21 (No response.)

22 MR. HOGAN: Okay.

23 With that, John, do you want to give a summary
24 of...

25 MR. DEVINE: Okay. Starting with Study 6,

1 Water Quality Monitoring and Continuous Temperature
2 Monitoring, the recommendation there was to delay the study;
3 no modifications. And TransCanada felt that there might be
4 potential change in sampling method at the Vernon intake.
5 And I think it was generally agreed to, but TransCanada will
6 make a filing including some record of consultation to
7 address any changes that they suggest in number 6, Study 6.

8 MR. HOGAN: All agree?

9 (No response.)

10 MR. DEVINE: All right.

11 Seven, Aquatic Habitat Mapping. Much of that
12 is already done. It's ongoing. No delay suggested, so no
13 schedule change.

14 Study 8, Channel Morphology and Benthic Habitat
15 Study. No change in schedule; proceed in 2014.

16 Study 9, Instream Flow Study, no change in
17 schedule.

18 10, Fish Assemblage, delay to 2015.

19 11, American Eel Survey, delay to 2015.

20 12, Tessellated Darter Survey, delay to 2015.

21 13, Tributary and Backwater Area Fish Access
22 and Habitats Study, no delay proposed, but a possible
23 amendment to study plan related to temperature -- or the
24 temperature element of the study at Vernon site. And
25 TransCanada will circulate prior any suggested changes, will

1 circulate to stakeholders prior to filing with FERC.

2 MR. HOGAN: John, are you good on this piece?

3 MR. RAGONESE: Amendments -- if there's any
4 changes they'll all come together as one packet.

5 MR. DEAN: I did not hear that comment.

6 MR. RAGONESE: Yeah. We're going to try to
7 provide any amendments or suggested language or whatever --

8 MR. DEAN: Yes.

9 MR. RAGONESE: -- the two or three studies,
10 whatever it might be, in one package.

11 MS. WILL: Not just the temperature but the
12 water quality component of that, too.

13 MR. DEVINE: So Study 13, Tributary and
14 Backwater Area Fish Access and Habitats Study, no delay
15 proposed. So we'll proceed on the original schedule.

16 There's a possible amendment to the study plan
17 related to temperature and water quality components
18 specifically related to a study at the Vernon site. And
19 TransCanada will suggest changes or look at the potential
20 for changes and circulate any they might propose to
21 stakeholders prior to filing that with FERC.

22 14, Resident Fish Spawning in Impoundments
23 Study, delayed to 2015.

24 Study 15, Resident Fish Spawning in Riverine
25 Sections Study, delayed to 2015.

1 Study 16, Sea Lamprey Spawning Assessment,
2 delayed to 2015.

3 Study 17, Upstream Passage of Riverine Fish
4 Species Assessment, delayed to 2015.

5 Study 18, American Eel Upstream Passage
6 Assessment, agreed not to start in 2014, delayed at least to
7 2015.

8 TransCanada would like to consider a study
9 being done all in the 2015 year instead of 2015-2016. That
10 would potentially result in a change in study design if the
11 study were to be performed in one year. TransCanada wants
12 to take some time to consider if it's possible to conduct
13 that study in one year.

14 Okay?

15 MR. DEAN: And any amended changes would --
16 Sorry, this is David Dean.

17 Any amended changes or timing or whatever, that
18 would be circulated to the stakeholders in the consultation
19 process prior to implementation.

20 GROUP PARTICIPANTS: Yes.

21 MR. RAGONESE: Prior to filing with FERC, any
22 suggested changes.

23 (Group speaking)

24 MR. RAGONESE: I think we'll -- Yes. Yes,
25 David.

1 MR. DEVINE: Study 19, American Eel Downstream
2 Passage Assessment, delay the entire study to 2015, both the
3 High-Z tag and the telemetry components.

4 Study 20, American Eel Downstream Migration
5 Timing Assessment. That's a literature study. TransCanada
6 would like to delay that to 2015 so as to have the results
7 available from other studies to incorporate into that
8 literature study. So delayed to 2015.

9 Study 21, American Shad Telemetry Study at
10 Vernon, delayed to 2015.

11 Study 22, Downstream Migration of Juvenile
12 American Shad, delayed to 2015.

13 Study 23, Fish Impingement, Entrainment, and
14 Survival Study. That's already a -- Is that already a 2015
15 study report? -- delayed to the fall of 2015. This is where
16 we got into the discussion about the ISR -- initial study
17 report and updated study report schedules.

18 And TransCanada and FirstLight will look at
19 potential schedules for filing of those ISRs and USRs and
20 then coordinate between -- or with each other. And if they
21 are suggesting some changes to FERC, they'd file for
22 suggested changes to ISR and USR schedules.

23 MR. HOGAN: Yes.

24 MR. DEVINE: Study 24, Dwarf Wedgemussel and --
25 I won't even try the Latin name -- and Co-Occurring Mussel

1 Study. No change to that schedule.

2 Study 25, Dragonfly and Damselfly Inventory and
3 Assessment, delay to 2015.

4 New study, potentially: Vernon Acoustic Study,
5 which has not been -- which is a study that's before FERC.
6 And the agencies prefer that study to be done in 2015 if it
7 were to be agreed to by FERC. And the suggestion is to file
8 any updated comments prior to Christmas, either for -- in
9 favor of study or not in favor of the study.

10 I think that was it.

11 MS. WILL: Just to clarify, for the
12 hydroacoustic study as it's working it forward, we would
13 want it done post-NUI.

14 MR. DEVINE: 2015. The agencies would prefer
15 the study to be done in 2015 if it were to be agreed by
16 FERC.

17 MR. HOGAN: Okay.

18 So we did something a little bit different here
19 today than we did yesterday, where we kind of have these
20 allowed -- for two of the three studies - - minor
21 amendments that everybody kind of agreed to that would be
22 circulated. The third one is a little bit more complicated
23 probably on the American eel.

24 We had a similar situation with ice processes
25 and things of that nature.

1 Generally speaking, what I think may happen is,
2 you know, to the extent that there is a concurrence on how
3 to move forward with an amendment to a study, you know, you
4 want to get that in and get it filed pretty quickly. And
5 it's probably not going to be an issue at all as far as
6 process-wise.

7 But if there's a lack of concurrence, I -- and
8 I don't want to speak for, you know -- what I'm anticipating
9 is that there will probably be a comment period so that we
10 have -- to make sure that we have a full set of comments
11 regarding the concerns with the amendment or things of that
12 nature. So that may create a little more process for folks.

13 But that's what I'm anticipating. I've still
14 got to take it back to my supervisors. But I'm just letting
15 folks now, you know, that...

16 MR. RAGONESE: Don't look for it in your
17 stocking.

18 (Laughter.)

19 MR. HOGAN: So to the extent that we can -- the
20 sooner we have any amendments that you want to get and we
21 know where the issues are, where they aren't, we'll be able
22 to move more quickly on the process forward. So, you know,
23 time is helpful. I guess that I'd plan to have something
24 out in the next -- I'll say by Christmas as far as a process
25 moving forward. And so I'd like to have something before

1 then -- or by then.

2 It's not even Thanksgiving yet.

3 MR. RAGONESE: Could you give me five minutes?
4 There was maybe one other item we wanted to bring up while
5 we're here.

6 MR. HOGAN: Okay.

7 A five minute caucus-slash-bio break.

8 (Recess.)

9 MR. HOGAN: One thing clear to everybody, and
10 then we'll go back to John regarding whatever reason it was
11 for the caucus.

12 But what I plan to do is take the information
13 back to my management regarding the idea or concept of
14 filing amended studies by Christmas with stakeholder
15 comments before coming out with a process moving forward. I
16 may be told next week, 'No, you're going to write the
17 process of moving forward and issue it next week.'

18 So the hope is that we will, with the
19 information I provide them, they'll say, 'Okay, that seems
20 reasonable.' But I can't promise you that. So -- Okay?

21 John.

22 MR. RAGONESE: Okay.

23 Yeah. So there was something that we had run
24 across when we were sort of pulling together early effects
25 and which study should do what. And one of the -- Let's

1 see, what study is this. 19.

2 So under Study 19 in our current -- and so what
3 I'm -- the context of what I'm talking about here is a
4 potential need to revise our study plan a little more
5 relative to what we wrote down. And this is directly
6 related to sort of baseline change of baseline conditions.
7 So we had anticipated using the 2012 data and the 2011 data
8 to some extent, if it was --

9 Oh. Yeah. So we're talking about Adult Shad
10 Telemetry Study.

11 And so we had been participating in the last
12 year or two with the USGS to monitor shad coming up the
13 Connecticut River. The same thing -- FirstLight is doing
14 the same thing.

15 We are no longer interested in using that data
16 because of the change in baseline conditions that it was
17 collected under. We may still want to use the data for
18 potentially analyzing the mechanics of monitoring and the
19 fallback issues or where we might want to, you know, sample
20 size and the placement of receivers. But we don't think
21 it's appropriate to rely on that information as a comparable
22 for what we're looking at to collect in our 21,
23 unfortunately.

24 So right now we say things like, in our plan,
25 it is expected that once the 2012 data has been analyzed in

1 2013 and that data may contribute to existing information to
2 indicate the timing of shad. Well, it will, but it won't
3 necessarily be valid information.

4 So we initiated the review of that data. And
5 because of the concern over the data itself and the effort
6 it would take to try to look at that data and make some
7 sense of it, it's not even worth it because it's a different
8 baseline condition. So we're suggesting we don't want to do
9 that.

10 MR. HOGAN: Well, will that be an amendment to
11 the study plan you plan to file with the comments?

12 MR. RAGONESE: Sure.

13 MR. HOGAN: Okay.

14 Do folks have any concerns with that approach?

15 MS. GRADER: Was FirstLight, you're also --
16 you're evaluating that same data set separately, is that...?

17 MR. HOGAN: And how is FirstLight using that
18 data? I know this isn't your meeting. Are you using it to
19 --

20 MR. SULLIVAN: I think - - if you wanted to
21 evaluate their methods, you know, we had focused on the
22 baseline condition, you know, from our perspective. And we
23 would look at - - . License application, but - - .

24 MR. HOGAN: Well, we have a similar concern.

25 FirstLight will look at how they plan to use

1 the data from the USGS.

2 So in response to the question about how will
3 FirstLight be planning to utilize the USGS shad migration
4 data, telemetry data at their facilities, generally speaking
5 at it they will be looking at it for methodologies, for how
6 that data was collected. And they will also now take into
7 consideration any other proposed uses of that data beyond
8 that, given the VY decommissioning and the appropriateness
9 of that data.

10 Is that a fair assessment?

11 (Participant off mike.)

12 MR. HOGAN: The answer was yes.

13 So I think we've kind of covered the licensing
14 process schedule, you know, approaches forward, the next
15 steps.

16 Any questions before we convene the meeting?

17 (Laughter.)

18 MR. HOGAN: All right.

19 Well, thank you everybody. I appreciate all
20 the hard work and time. Have a great day.

21 UNIDENTIFIED PARTICIPANT: Enjoy the holiday.

22 MR. HOGAN: Yeah. And happy Thanksgiving.

23 (Whereupon, at 11:45 a.m., the Vermont Yankee
24 Technical Meeting was adjourned.)

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BEFORE THE

FEDERAL ENERGY REGULATORY COMMISSION

- - - - - x

IN THE MATTER OF: : Docket Number

TRANSCANADA HYDRO GENERATING NORTHEAST: P-1892-026

- - - - - x

Marlboro College Graduate School
28 Vernon Street
Brattleboro, VT 05301
9:10 a.m.

Tuesday, November 26, 2013

The above-entitled matter came on for scoping meeting,
pursuant to notice, at 9:10 a.m.

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

2 MR. HOGAN: I want to thank everybody for
3 coming. My name is Ken Hogan with the Federal Energy
4 Regulatory Commission. I'm the project coordinator for the
5 five projects on the Connecticut Riverbank through the hydro
6 re-licensing.

7 I want to start this morning by having us go
8 around the room and do introductions. I'll start back here
9 with Julia.

10 MS. WOOD: Good morning. Julia Wood,
11 re-licensing counsel for FirstLight.

12 MR. HOWARD: John Howard, FirstLight.

13 MR. SULLIVAN: Tom Sullivan, Gomez and
14 Sullivan, counsel for FirstLight.

15 MR. WAMSER: Mark Wamser, Gomez and Sullivan.

16 MR. BENNETT: John Bennett with Windham
17 Regional Commission.

18 MS. BLAUG: Elisabeth Blaug, FERC Office of
19 General Counsel.

20 MR. SEARS: Mike Sears, HDR, consultant for the
21 FERC.

22 MR. DEVINE: John Devine, HDR, consultant to
23 FERC.

24 MR. ETTEMA: Nick Ettema, FERC.

25 MR. ARNOLD: Steve Arnold, HDR, consultant for

1 FERC.

2 MS. KENNEDY: Katie Kennedy, Nature
3 Conservancy's.

4 MR. DAVID: Owen David, NHDES.

5 MR. GRIES: Gabe Gries, New Hampshire Fish and
6 Game.

7 MS. GRADER: Melissa Grader, U.S. Fish and
8 Wildlife Service.

9 MR. SPRANKLE: Ken Sprankle, U.S. Fish and
10 Wildlife Service.

11 MR. BRUSH: Tim Brush, Normandeau Associates.

12 MR. SKIBNIEWSKY: Steve Skibniowsky, Entergy -
13 Vermont Yankee and the environmental program, radioactive
14 effluents and environmental monitoring.

15 MS. DE WALD: Lynn DeWald, Vermont Yankee.

16 MR. HANSON: Brian Hanson, Normandeau
17 Associates.

18 MR. SIMMONS: Rick Simmons, Normandeau
19 Associates.

20 MR. TRESTED: Drew Trested, Normandeau
21 Associates.

22 MR. FISK: Andy Fisk, Connecticut River
23 Watershed Council.

24 MS. FISCHER: Maryalice Fischer, Normandeau
25 Associates.

1 MS. O'DEA: Erin O'Dea, in-house counsel for
2 TransCanada.

3 MR. RAGONESE: John Ragnese, TransCanada.

4 MS. GRIFFIN: Jennifer Griffin, TransCanada.

5 MR. CROCKER: Jeff Crocker, Vermont Agency
6 Natural Resources.

7 MS. WILL: Lael Will, Vermont Fish and Wildlife
8 Department.

9 MR. DAVIS: Eric Davis, Vermont Department of
10 Environmental Conservation.

11 MR. HOGAN: Thank you.

12 We do have a court reporter here today.

13 Actually, folks on the phone, introduce
14 yourselves, please.

15 MR. DEAN: David Dean, Connecticut River
16 Watershed Council.

17 UNIDENTIFIED PARTICIPANT: Rob Mitchell with
18 HDR for FERC.

19 MS. MC CANN: Mary McCann, HDR, consultant to
20 FERC.

21 MR. HOGAN: Thank you.

22 So we do have a court reporter here today. So
23 if you, when speaking, if you could please start with your
24 name, that would be great just so we can keep the record
25 straight. Everything that's said here today will be placed

1 in the Commission's record so we'll know who said what and
2 what they said.

3 And I have given him instructions that if he
4 has a hard time hearing anybody, we want -- he's got
5 permission to stop the meeting and say, 'Can you repeat
6 that, please?' So...

7 I have no idea where the restrooms are.
8 Outside; not in the corner.

9 So the reason we're here today is, as everybody
10 knows, you know, the Vermont Yankee Nuclear Power Plant
11 announced on August 27th that they're going to be shutting
12 down at the end of 2015.

13 Where we are in the Commission's integrated
14 licensing process that creates a situation where we have a
15 changing baseline for our environmental studies. And we
16 wanted to look at and have a good understanding of what that
17 may mean for our studies and how studies may need to be
18 addressed. And that's the reason we're having the technical
19 meeting today.

20 One thing I want to point out is that this is
21 not a forum for discussion of how Entergy proposes to close
22 down the Vermont Yankee. It's a forum for discussion of
23 what that means to the river and when, and what the
24 magnitudes are.

25 Now with that said, what I've -- I have invited

1 Entergy here today to give us an overview of what that
2 shutdown is as they perceive it today, and specifically what
3 it means for the river and timing and magnitude of the
4 environmental effects.

5 So with that, I would like to turn the meeting
6 over to Lynn. And we'll get you a mike.

7 MS. DE WALD: I can talk loud.

8 I feel like it's largely the same crowd that
9 was here yesterday, except for maybe Gabe and Tim.

10 MR. HOGAN: And David Dean on the phone.

11 MS. DE WALD: And David on the phone.

12 My name is Lynn DeWald. I am the
13 non-radiological environmental specialist at Vermont Yankee.
14 And, as Ken said, Entergy announced at the end of August
15 that it was planning to close Vermont Yankee.

16 The date has been selected as December 29th,
17 2014, at which point the discharge of water from the
18 Connecticut -- or from the discharge structure into the
19 Connecticut River will be reduced by something close to 98
20 percent. The thermal discharge will be at least that and
21 maybe even more. And over time, from the time we shut down
22 until we take the spent fuel out of the spent fuel pool, it
23 will continue to go down.

24 Beyond that we really don't have a lot of
25 details right now about the decommissioning plan or any of

1 the timing of things. It's -- the 29th of December is sort
2 of the hard and fast date for the end of operation of VY.

3 MR. HOGAN: Lynn, I'm guessing -- I have a
4 question. As far as the maximum discharge the plant
5 currently has -- I believe the answer was 120,000 gallons
6 per minute.

7 MS. DE WALD: So right now our NPDS permit
8 permits us to use up to three circulating water pumps, which
9 we have. They're not variable speed pumps so they're either
10 on or off. And each one is capable of 120,000 gallons a
11 minute, for a total of 360,000 gallons a minute.

12 In addition to that we have what's called the
13 service water system, which provides cooling to -- it's a
14 safety-related cooling system that also feeds our fire
15 protection and cools motor jackets and things like that.
16 There are four pumps, that each can pump about 3000 gallons
17 per minute.

18 So I think I said the total permitted discharge
19 volume we could possibly have is 373,000 gallons a minute.

20 When we shut down on the 29th of December next
21 year we'll only need two service water pumps at most. So
22 that's a total of 6000 gallons per minute; therefore the 98
23 percent reduction. And that 6000 gallons per minute is
24 somewhere between 16 and 17 cfs going out.

25 MR. HOGAN: And so you predict that temperature

1 would also have that 98 percent reduction?

2 MS. DE WALD: Yeah, probably more than that.
3 That's something that's probably going to have to be -- it's
4 going to have to be figured out over time and maybe even
5 modeled.

6 MR. HOGAN: Okay.

7 MS. DE WALD: I don't know we are going to get
8 our hands around that other than to say it's going to be a
9 heat reduction.

10 MR. HOGAN: Any other -- Any questions for Lynn
11 or Entergy?

12 (No response.)

13 MR. HOGAN: Anybody on the phone?

14 MR. DEAN: Just asking -- maybe if Lynn could
15 move a little closer to the phone. I missed some of the
16 message of what she said.

17 MR. HOGAN: Let me try to summarize, David.

18 Currently Vermont Yankee is capable of
19 discharging -- or is authorized to discharge up to 373,000
20 gallons per minute. Under the decommissioning, that would
21 be reduced to a maximum of 6000 gallons per minute, which is
22 about the equivalent of 16 to 17 cfs. And it's anticipated
23 that the thermal reduction would be at 98 percent or less as
24 a result of the reduction in the volume of the water.

25 MS. DE WALD: 98 percent or more.

1 MR. HOGAN: I'm sorry, 98 percent or more
2 reduction.

3 MR. DEAN: Or more.

4 MR. HOGAN: Yeah.

5 MR. DEAN: Okay.

6 MS. DE WALD: Or the other thing I guess to
7 point out is that, although we're permitted to discharge
8 373,000 gallons a minute, we don't always do that; maybe in
9 the summertime under certain conditions. But it's often
10 less than that.

11 MR. HOGAN: Any questions about that?

12 (No response.)

13 MR. HOGAN: Okay.

14 I think that helps us, though, in understanding
15 of when the effects of the decommissioning may influence the
16 baseline conditions of the river. And so I appreciate that.

17 Entergy is not planning to be here the whole
18 day. So if you have any questions regarding the information
19 or if you have any other information interests, ask now.

20 MS. DE WALD: We're actually able to stay for a
21 little while this morning. So I think we're can address
22 comments.

23 MR. HOGAN: Oh. Okay. Perfect.

24 So on the agenda today at this point in time I
25 have an opportunity for a stakeholder caucus, if you want to

1 digest what was just heard and think about how that may
2 affect the proposed studies. But the caucus is optional.
3 I'll just see if folks want to move on or if they want to
4 take the caucus.

5 (No response.)

6 MR. HOGAN: Okay. I'm hearing nothing.

7 MS. DONLAN: Move on.

8 MR. HOGAN: Okay. So we're going to move on.

9 Yesterday we got a lot of questions about so
10 how does the VY closure affect the FERC licensing process
11 and how would potential delays or modifications to studies
12 that would result in schedule shifts affect FERC and the
13 integrated licensing process for the licensing of the
14 projects. Just to give you some ideas, right now we don't
15 have any specific ideas about how the projects should be --
16 or how the process should be modified.

17 We're here at these meetings to gain
18 information. We're looking at what the suggestions are for
19 study schedules as a result of the VY closure. And we're
20 going to come out with a process to move forward with those
21 schedules and in appropriate manner to collect data that's
22 appropriate for the licensing and documenting the predicted
23 baseline.

24 That said, the Commission has several tools
25 available to itself to manipulate the schedule, let's say.

1 And that can be anything from, you know, requiring the
2 license application on time with studies that haven't been
3 completed, and then having the applications modified or
4 updated to include any study data that was pending when the
5 applications were filed.

6 Regarding the license applications, we do not
7 have the authority to adjust the deadlines for filing of the
8 applications. That's a statutory requirement and therefore
9 are required by law. But we do have the ability on four of
10 the projects, if we deem it appropriate, to, you know,
11 extend the license term as a last case -- last result. I
12 don't think anybody wants us to do that.

13 But generally speaking, from what we heard
14 yesterday, I think we're probably going to be looking at,
15 depending on what we hear today, but from what we heard
16 yesterday we'll probably be looking at just requiring
17 studies on the timelines that were discussed yesterday and
18 then -- which was mostly shifting many of them into 2015 --
19 some would go into 2015 and 2016 as they were two-year
20 studies -- and then dealing with that through the
21 augmentation of the license applications after they were
22 filed.

23 Any questions regarding that?

24 (No response.)

25 MR. HOGAN: And if -- One thing about the

1 Commission's integrated licensing process, I believe it's
2 Section 5.21 says that the Commission will not accept the
3 license applications or issue an REA notice until all of the
4 required studies -- let me rephrase that -- all of the
5 required environmental studies that were required by the
6 study plan determinations have been completed.

7 So basically, once the applications were filed
8 they would be sitting in a holding pattern until the studies
9 were done.

10 Okay. Any questions?

11 (No response.)

12 MR. HOGAN: And I hope to, once I bring back
13 the information from these meetings to D.C., have some type
14 of process outlined, developed with my team and management,
15 and then notify stakeholders as to what that process is
16 before Christmas. All right.

17 So on the agenda it's just a matter of going
18 through each of the studies one by one, as outlined in the
19 -- well, they're attached to the agenda -- or for David out
20 here on the phone, we're going through one at a time as
21 outlined by Appendix C of the study plan determination.

22 MR. RAGONESE: Ken, remember you asked me to --

23 MR. HOGAN: Oh, yes. Thank you. I asked you
24 to remind me, too, didn't I?

25 MR. RAGONESE: Yes.

1 MR. HOGAN: So one thing that came up specific
2 with the Vernon project in discussions internally at FERC
3 was we were curious to know if TransCanada had any license
4 requirements currently imposed upon them because of the
5 presence of Vermont Yankee and its discharge. And if so,
6 now that Vermont Yankee is closing, we came up with another
7 question:

8 Does TransCanada's proposed operations for the
9 new license, are they now entertaining any changes. And
10 I've asked John to address that.

11 So go ahead, John.

12 MR. RAGONESE: No and no.

13 (Laughter.)

14 MR. RAGONESE: That's basically it. There are
15 license conditions that may have been at one point in time,
16 you know, designed around cooling needs or whatever. But
17 there's no --

18 MR. HOGAN: Hold on, John.

19 MR. RAGONESE: Thank you.

20 John Ragnese, TransCanada.

21 MR. HOGAN: You're still going to have to speak
22 up, though. That's just to him.

23 MR. RAGONESE: There are some license
24 conditions associated with minimum flow. They may have been
25 derived in part from discussions about - - . But there's

1 nothing specific in our license requiring us to operate in
2 any manner related to Vermont Yankee. And, no, we are not
3 changing our proposed future operation at this stage in the
4 re-licensing application.

5 MR. HOGAN: Thank you, John.

6 MS. GRADER: Melissa Grader, Fish and Wildlife
7 Service.

8 Did you just say that you would -- you think
9 FERC will be issuing a study plan determination before
10 Christmas?

11 MR. HOGAN: No.

12 MS. GRADER: Okay.

13 MR. HOGAN: What I said is I hope to have a
14 clear process forward out to the stakeholders before
15 Christmas; so, you know, to give you an idea of when we plan
16 to issue the study plan determination. If there's any
17 studies that we deem are appropriate for consultation as a
18 result of these meetings then maybe -- and revision -- we
19 have two approaches.

20 One, we could handle those in the study plan
21 determination or we could ask for those to be revised in
22 advance of the study plan determination files. And they can
23 be approved or approved with modification in the
24 determination.

25 So we've got a lot of moving parts and we just

1 want to figure out how they best shake out and what's best
2 for the process, the stakeholders, and our information
3 needs. But we recognize that right now everything's kind of
4 in limbo. And we just want to end that limbo and get a
5 process to move forward and let you guys know what that
6 process is.

7 Okay?

8 MS. GRADER: Yes. Thank you.

9 MR. HOGAN: Any questions on the phone?

10 (No response.)

11 MR. HOGAN: Okay.

12 So let's go ahead and start with going through
13 study by study.

14 The first one -- Oh. The first -- Well, the
15 first one that we identified is study 6, Water Quality
16 Monitoring and Continuous Temperature Monitoring. Generally
17 we've got three questions. One is, you know, should the
18 study be delayed or can it move forward as is. Should it be
19 modified based on methodologies or timing or whatever it may
20 be.

21 So those are the -- you know, we understand
22 there's still a need for water quality study. I think
23 clearly this is one that probably ought to be delayed. But
24 I also don't know if it should also be modified in
25 methodology, if it was designed in such a way to address

1 issues that are associated with Vermont Yankee and Vernon
2 particularly.

3 MR. CROCKER: Jeff Crocker, Vermont ANR.

4 We felt that the study should be delayed until
5 2015, and that no modifications were needed to the original
6 study plan.

7 MR. HOGAN: Owen.

8 MR. DAVID: Owen David, NHTES.

9 We concur with Vermont that this should be
10 delayed.

11 MR. HOGAN: Okay.

12 MR. DAVID: We don't see any need for any
13 modification.

14 MS. WILL: And that would be for all three
15 projects.

16 MR. HOGAN: Right.

17 And I think, you know, from the Commission's
18 perspective, unless it's really appropriate to do otherwise,
19 we're not interested in splitting the study seasons among
20 the projects in studies.

21 John.

22 MR. RAGONESE: John Ragnese, TransCanada.

23 And our recommendation is to put all of the
24 three projects, water quality studies, into the second study
25 year, 2015.

1 We do think there is some need for some
2 discussion on the methodology, and I'm going to turn it over
3 to Jennifer.

4 MS. GRIFFIN: Jennifer Griffin, TransCanada.

5 We have one transect in the Vernon four bay
6 that was set --

7 MR. HOGAN: Can folks on the phone hear
8 Jennifer?

9 MR. DAVID: Yes.

10 MS. GRIFFIN: There's a transect in the four
11 bay of Vernon that was set in particular to look at or see
12 if there is a temperature change there, or a different
13 temperature there. So we suggest that that does not need to
14 be included in the revised.

15 MR. HOGAN: And would you still collect
16 temperature in the four bay?

17 MS. GRIFFIN: Yes. The temperature collection
18 for the Vernon impoundment would be the same as the other
19 two impoundments.

20 MR. RAGONESE: In terms of design and
21 placement?

22 MR. HOGAN: Any thoughts on that?

23 (No response.)

24 MR. HOGAN: Is it something that folks want to
25 be able to consult on and discuss further?

1 (Chorus of 'Yes.')

2 MS. DONLAN: I'd like a five-minute conference.

3 MS. GRIFFIN: I can direct you to where it is.

4 This is Jennifer Griffin again.

5 I can direct you to where it is in the revised
6 study plan. Page 68. It's the second to last paragraph.
7 Under Methods it's the -- one, two -- third paragraph,
8 towards the end of it.

9 MR. HOGAN: And just to be clear, I'm not
10 asking for any commitments here today. You know, if it's
11 something that folks want to consult with after this
12 meeting, you know, for a period of time, that's an option,
13 too.

14 MS. DONLAN: Yeah. That may be what we
15 determine after our little caucus. But we might be able to
16 give an answer.

17 MR. RAGONESE: Can you describe the difference,
18 you know, what's unique about - - .

19 MS. GRIFFIN: Yeah. Okay.

20 So we say that in addition to the transects
21 that we're putting out similar to wilder - - falls, in
22 addition transects will be established at the Vernon Project
23 four bay with up to give stations, temperature, data
24 loggers, steps of one meter below the water surface,
25 mid-depth, and one meter from the bottom, to continuously

1 record data.

2 And that was April 1 through November 15. And
3 that was in there because there was a request from
4 stakeholders to look at temperature based on Vermont Yankee
5 -- or affected by Vermont Yankee.

6 MR. RAGONESE: How the intakes and the variable
7 operation would affect the movement of the water, the
8 thermal plume -- I don't know what you want to call it --
9 from where it is not. And if it's going away it doesn't
10 seem that we need that kind of resolution or - - .

11 MR. HOGAN: Okay.

12 So let's go ahead and break for a ten-minute
13 caucus and a restroom break.

14 (Recess.)

15 MR. HOGAN: It looks like the resource agencies
16 have come back.

17 Oh, did someone join us on the phone?

18 (No response.)

19 MR. HOGAN: Okay.

20 MS. MC CANN: Hey, Ken, this is Mary. I think
21 that David dropped off.

22 UNIDENTIFIED PARTICIPANT: Yeah, he did.

23 MR. HOGAN: Okay.

24 All right. So we had a caucus to confer on the
25 need for a modification to the water quality study,

1 particularly at Vernon as described just before the caucus,
2 and the agencies had asked for a caucus.

3 MR. CROCKER: Jeff Crocker.

4 We discussed it and we agree with TransCanada
5 that it can be removed, that's transect V-01, I believe.
6 But that just to confirm that all the other transects will
7 be monitored and that temperature will be collected from
8 April 1st to November 15th.

9 MR. HOGAN: So do folks have a preference as to
10 how to handle this? I mean, John, would you like to file a
11 -- I'm thinking a simple way would be for TransCanada to
12 file an amendment to that study plan and then perhaps have a
13 two-week comment period on that amendment. And we can
14 probably wrap --

15 MR. RAGONESE: What if before we file the study
16 plan we circulated the revision to the agencies and have
17 them -- I'm just trying to figure out the -- I would like
18 to have the study determination before the end of the year,
19 so I'm trying to reduce your time. I know it's not going to
20 happen, you're saying.

21 MR. HOGAN: Yeah, that's --

22 MR. RAGONESE: But I would like to --

23 (Laughter.)

24 MR. RAGONESE: I know. I know.

25 But I would like to have the most expedient way

1 we can. We're fine with filing one if that's what you want
2 us to do.

3 MR. HOGAN: Well, I'm just --

4 MR. RAGONESE: I'm trying to find the most --
5 the easiest way because you're saying you can't in your
6 study determination revisions do it without it in writing.

7 MR. HOGAN: No. We've got it in the record
8 right now.

9 MR. RAGONESE: Yeah.

10 MR. HOGAN: If you agree that that's the exact
11 change that needs to be done as recommended by the agencies
12 right now, we may be able to just do that in the study plan
13 determination.

14 MR. RAGONESE: All right. We'll give you
15 something in writing.

16 And I think we're going to -- just for our --
17 because that's kind of the way we do things, we'll circulate
18 it around to the agencies to make sure they're understanding
19 what it is. If they want to write a concurrence statement
20 or whatever -- e-mail or whatever they might want to do --
21 saying, 'This is what we understood you were talking about,'
22 that's what -- we may give that a shot.

23 MR. HOGAN: I mean because there are -- like I
24 said, there are a couple of options. To me this seemed like
25 a simple fix.

1 MR. RAGONESE: Yes.

2 MR. HOGAN: This could be very fast.

3 MR. RAGONESE: Okay.

4 MR. HOGAN: You put something together --

5 MR. RAGONESE: Sure.

6 MR. HOGAN: -- and then, you know...

7 MR. RAGONESE: Two weeks is probably fine.

8 MR. HOGAN: And then, you know, we would ask
9 for, you know, comments in two weeks. And then that's all
10 set. So when we do get to the study plan determination
11 we're just either approving it or approving --

12 MR. RAGONESE: Sure.

13 MR. HOGAN: -- with modifications.

14 MR. RAGONESE: We're going to do that.

15 MR. HOGAN: Does that work for folks?

16 The other option is, you know, we provide
17 consultation time; file a revised study plan, and then
18 comments on that, and then move forward. Or we require the
19 modification in the study plan determination. That's
20 another option.

21 MS. GRADER: This is Melissa Grader, Fish and
22 Wildlife Service.

23 From our perspective the most expedient thing
24 for the Service is either us going on the record now saying
25 we are okay with removing that particular transect from

1 Vernon impoundment; everything else in the study plan will
2 remain the same.

3 If TransCanada wants to circulate something to
4 the agencies by email, and if we could provide and the
5 Commission would accept an email response from us to the
6 same effect, those would be the most expedient ways for us
7 to get on record or on --

8 MR. HOGAN: I'll tell you what. You provide an
9 email to TransCanada. You incorporate the emails into the
10 filing and we'll call it good.

11 MR. RAGONESE: We'll get something to you.

12 MR. HOGAN: Okay.

13 MR. RAGONESE: The thing is we just don't have
14 that number in front of us. We're assuming it's the right.

15 MR. HOGAN: Or - - .

16 MR. RAGONESE: Yeah. Yeah.

17 MR. HOGAN: And I kind of wanted to avoid
18 getting into methodologies.

19 MR. RAGONESE: Yeah.

20 MR. HOGAN: But it sounds pretty simple on this
21 one.

22 All right. As long as the emails are in your
23 filing, John, or the communications are in your filing,
24 we'll just call it good based on the -- I want verbal yeses
25 from all the agencies in the room.

1 MR. DAVID: Owen David, yes.

2 MR. GRIES: Gabe Gries, yes.

3 MS. GRADER: Service, yes. Fish and Wildlife
4 Service, yes.

5 MR. SPRANKLE: Yes, Fish and Wildlife Service.

6 MR. CROCKER: Vermont Agency of Natural
7 Resources, yes.

8 MS. WILL: Vermont Fish and Wildlife
9 Department, yes.

10 MR. DAVIS: DEC, yes.

11 MR. HOGAN: Okay. Moving on.

12 Aquatic habitat mapping, study 7.

13 MR. RAGONESE: And can I make one more
14 statement while we are on that particular one, water
15 quality? And it really -- it sort of goes to -- there was a
16 lot of sort of detailed analysis of the tasks, sub-tasks,
17 and sub-sub-tasks yesterday.

18 And even in, for example -- and a good example
19 is the water quality one. You know, even though we wouldn't
20 be doing the field work ahead of time, we will try to have a
21 timely, you know, consultation with the agencies on the
22 specific, as our study plan requires. But we will engage
23 that potentially in the year before.

24 So whatever language -- however you guys craft
25 the shift, just do it in a way that gives us the flexibility

1 and not necessarily prescribes exactly when the consultation
2 will start because we're going to have to refigure all of
3 our work and resources to do that.

4 MR. HOGAN: Are you --

5 MR. RAGONESE: But an example in the water
6 quality is that we're saying delay the study until 2015.
7 But that doesn't preclude us wanting to do the consultation
8 for the sites.

9 MR. HOGAN: You're right.

10 MR. RAGONESE: And that covers all -- it sort
11 of covers all of it the same way.

12 MR. HOGAN: Yeah.

13 I think our intent is field work, you know,
14 would be applied in 2015 and we'll craft some language
15 regarding that in the study plan determination if we deem
16 the shifting of schedule inappropriate.

17 MR. RAGONESE: Correct. Thanks.

18 MR. DEVINE: I have a question. John Devine
19 HDR.

20 Has the QA/QC plan already been provided to the
21 agencies? That was what was contemplated in the study plan.

22 UNIDENTIFIED PARTICIPANT: It has not.

23 MR. DEVINE: Okay. So that would happen in
24 2014, then?

25 MR. RAGONESE: That's what we're saying would

1 be an example of something that could happen in 2014.

2 MR. DEVINE: Okay.

3 MR. HOGAN: Okay.

4 Study 7, Aquatic Habitat Mapping.

5 MR. RAGONESE: I'll just make a comment on that
6 now that it's too late but we've already done it.

7 (Laughter.)

8 MR. RAGONESE: As we said we were going to do
9 it.

10 We don't really want to do it again. So maybe
11 I could have Rick just comment briefly on just what -- the
12 elements that we have done. And we don't -- it's not, you
13 know and water temperature-dependent, though it's -- we're
14 hoping very strongly that we can do it --

15 MR. RAGONESE: -- on the schedule that we
16 anticipated doing it.

17 MR. SIMMONS: Yeah, we're out of the field on
18 that. We've collected the field data already in all three
19 impoundments. And right now we're actually doing the
20 polygon work back in the lab.

21 MR. RAGONESE: So we intend to share stuff
22 early in 2014 with folks on this.

23 MR. HOGAN: Folks have any concerns with that
24 mapping already having been done, or...

25 (No response.)

1 MR. HOGAN: No?

2 MS. WILL: Lael Will, Vermont Fish and
3 Wildlife.

4 You had the pressure transducers --

5 MR. SIMMONS: Yes, we --

6 MS. WILL: -- that included the temperature?

7 MR. SIMMONS: Yes. Yes, yes.

8 MS. WILL: How would that be affected? I mean
9 are you going to use that data for...

10 MR. SIMMONS: Well, we could -- the unit
11 collects it anyways and we can use it. So we have
12 temperature data at 82 units, you know, throughout the three
13 impoundments and riverine reaches.

14 And also we -- we're actually pulling those
15 units the first week in December, the majority of them. So
16 we've been downloading them. You can put them up in July
17 and we moved some around and added some more. And we've
18 been downloading them monthly.

19 And that's been going well with only loss of
20 maybe three. We had an embankment collapse in one storm
21 that kind of buried our unit. And we were too close to a
22 swimming hole in another one. That one disappeared. But
23 most of them are still there. So we'll pull those in
24 December.

25 And we're talking to TransCanada about leaving

1 some in for the winter. We have to move them to deeper
2 water because of, ice scour and other things that are going
3 to happen there.

4 But, you know, that's been done. And all of
5 them collected temperature.

6 MR. HOGAN: And how many of those are
7 influenced by Vermont Yankee and the thermal pool, plume?

8 MR. SIMMONS: Well, not that many. I think we
9 have three down below Vernon, and I don't think we have any
10 in the lower pool.

11 MR. RAGONESE: I'm not sure. I'm not -- I mean
12 we can...

13 MR. HOGAN: Well, then is there a plan to
14 collect that data also in 2015?

15 I'm not -- Well, sorry, I'm not real familiar
16 --

17 MR. RAGONESE: Well, I think that this -- And I
18 may be mis-speaking, so help me here.

19 But the primary purpose of getting those units
20 in this year was for the development of hydrologic
21 conditions. And then we responded that maybe it made sense
22 to just put thermistors in as well, which we did. And so
23 they would support a number of different things, including
24 the water quality site.

25 To the extent that we need to revisit the

1 monitoring of water temperature with these units, I don't
2 think it's a huge deal if we were to do that. I'm not sure
3 exactly how we would want to craft the revision right now.

4 MR. SIMMONS: Right.

5 MR. RAGONESE: So we may have a second one
6 we'll send you. But we have water quality monitoring that
7 will pick up some of this as well. I'm just not sure how
8 they're...

9 MR. SIMMONS: This wasn't designed for the
10 temperature piece of it. But we knew it was a great data
11 set to get. The units come with it; it's not like you can
12 get a pressure transducer without the temperatures. It just
13 comes with it. So it's on; we have the data.

14 And in '14 we're going to pull this data and
15 share it with the agencies this winter. And there was more
16 so that we could start to sub-sample on some of the
17 tributary access pieces, some of the backwater pieces.

18 We have some of these pressure transducers in
19 the main stem; we have some in backwater areas; we have some
20 in trip models that look very shallow and we needed to get
21 information on that.

22 MR. RAGONESE: When we get to that Study 13
23 there is a backwater area where we have one of these units
24 that's recording temperature.

25 I know it's of interest to Gabe and other

1 folks. We may want to repeat not necessarily I'd say the
2 operation, but we probably would just have the same type of
3 unit operation of in terms of - - the backwater. We know
4 that that is an area that's likely to be affected. It's a
5 shad spawning area.

6 But most of them are for a number of different
7 purposes than the purposes of why we placed them: hydraulic
8 modeling, access, erosion, anything.

9 MR. SIMMONS: And to find the shallow water
10 gravel areas and spawning areas all worked in with our
11 habitat mapping and our bathymetry. It's just going to help
12 us clearly see where -- areas that we have to focus on for
13 fish spawning.

14 And these units, when we get into those
15 studies, will be moved to colonial nesting sites like we
16 talked about. So the units are going to be back out there
17 in another year, but moved to certain locations that we
18 really need to look at where there could be impacts.

19 MR. GRIES: Gabe Gries.

20 I think our main concern was just if that
21 temperature data was going to be -- you know, if it was
22 influenced by the discharge it was going to be used to
23 inform other studies' locations, that sort of stuff.

24 MR. RAGONESE: Yeah. To the extent that
25 temperature was a critical element of analysis and we were

1 monitoring pre-Yankee shutdown conditions, we would not
2 consider that what we would want to use for anything else
3 because - - .

4 MR. HOGAN: So it sounds like folks are okay
5 with the study being ongoing and no reason to delay it Study
6 7, Aquatic Habitat Mapping?

7 (No response.)

8 MR. HOGAN: Study 8, Channel Morphology and
9 Benthic Habitat Study. Thoughts on...

10 Okay. Hearing from Lael Will that moving
11 forward is okay in 2014.

12 Any other thoughts?

13 (No response.)

14 MR. HOGAN: Okay.
15 Study 9, Instream Flow Study.

16 MS. WILL: I think we thought that this one
17 could also move forward.

18 MR. HOGAN: Being general agreement in the
19 room, okay.

20 Study 10, Fish Assemblage Study.

21 MS. WILL: We felt that this one needed to be
22 delayed because of the entrainment issue and also
23 distribution and abundances of fish may shift post-VY.

24 MR. HOGAN: Okay. And a delay to 2015?

25 MS. WILL: Yes.

1 MR. HOGAN: Yes?

2 MR. RAGONESE: Agree. All three projects.

3 MR. HOGAN: Right. Yeah. I guess we don't
4 have an interest in ...

5 MS. WILL: Yeah. And we talked yesterday that
6 we want all the data to be collected in the same year.
7 So...

8 MR. HOGAN: Okay.

9 So American Eel Survey, Study 11.

10 MS. WILL: We felt that this one should also be
11 delayed.

12 MR. RAGONESE: Agree.

13 MR. DEAN: Repeat that, Lael.

14 MS. WILL: We thought that this one should also
15 be delayed.

16 David, did you hear that?

17 MR. DEAN: Yes, no, I got it. Thanks. There
18 was just a little break-up there.

19 MR. HOGAN: Do you have thoughts on that,
20 David?

21 MR. DEAN: Huh?

22 MS. WILL: Are you okay with that?

23 MR. DEAN: Yes.

24 MR. HOGAN: All right.

25 Study 12, Tessellated Darter Survey.

1 MS. GRADER: Melissa, Fish and Wildlife
2 Service.

3 We felt this should be delayed in part because
4 of the high entrainment caused by Vermont Yankee on
5 tessellated darter.

6 MR. HOGAN: Okay.

7 Anybody object to that?

8 (No response.)

9 MR. HOGAN: 2015 is acceptable? Okay.

10 Study 13, Tributary and Backwater Fish Access
11 and Habitats Study.

12 MR. RAGONESE: This is TransCanada.

13 This is the one we were talking about where we
14 had one -- we looked over the sites that we were planning to
15 monitor in our study plan. There was one in the backwater
16 across from Vernon.

17 MR. HOGAN: Yeah.

18 MR. RAGONESE: So we don't think the study
19 should be delayed; but we do think there may be an element
20 for the water quality monitoring of that site that we would
21 want to just continue into the following year.

22 MS. WILL: I think that's what we decided as
23 well because that was often more of a physical study, but
24 then there was also the water quality component that we felt
25 should be addressed post-VY.

1 MR. HOGAN: So does that require an amendment
2 to the revised study plan?

3 MR. RAGONESE: We'll look at it and file
4 something similarly - - just to clarify what we would plan
5 to do there, yeah.

6 MR. HOGAN: And everybody's okay with that
7 approach?

8 (No response.)

9 MR. HOGAN: Okay.

10 So my notes on this are water quality
11 component, potential delay; the rest is moving forward in
12 2014. Right?

13 (No response.)

14 UNIDENTIFIED PARTICIPANT: A delay, or was it
15 an extension?

16 UNIDENTIFIED PARTICIPANT: An extension.
17 They're just going to keep operating for an additional year.

18 MR. HOGAN: They're going to look at it.

19 MR. RAGONESE: Yeah. I mean that's the intent.
20 Whatever the temperature element would be carried into the
21 post-VY shutdown period.

22 MS. WILL: Yeah.

23 Well, just to clarify, the study plan talked
24 about if you guys found that passage was impeded that you
25 would do additional water quality monitoring, not just the

1 temperature part of it but dissolved oxygen, et cetera. So
2 that would go along the same lines of revisiting that
3 post-VY.

4 MR. HOGAN: And this is at one site, not for
5 all three projects, one site at Vernon. Okay.

6 MR. RAGONESE: Well, the study kind of applies
7 to all areas. But the one there --

8 MR. HOGAN: But the modification or amendment
9 to the study plan that you're thinking about looking at.

10 MR. RAGONESE: The one that would carry to the
11 second year here, yeah.

12 MR. HOGAN: Okay.

13 MR. DEAN: So do I understand properly -- this
14 is David Dean -- that we'll see a rewrite of this?

15 MR. RAGONESE: This is John Ragnese in response
16 to David.

17 David, we're not going to rewrite the whole
18 study plan. We're going to file what we think are the --
19 would be the necessary amendments to the study plan. So we
20 might cite the location --

21 MR. DEAN: We'll see these changes in writing.

22 MR. RAGONESE: Yes. We will circulate them in
23 writing before we file them.

24 The idea behind that would be to look for
25 concurrence email back and we would try to, for the purposes

1 of consolidating the record and having the agencies provide
2 everything to FERC. That doesn't preclude you from doing it
3 on your own -- but we would try to facilitate that
4 consultation before we file the amendment with FERC so that
5 we were making sure we were filing something that you were
6 in agreement with. That's what we are going --

7 MR. DEAN: Okay. Good.

8 MR. HOGAN: A similar approach is going to
9 occur with the water quality study, study 6, David, if you
10 weren't on the phone at that time.

11 MR. RAGONESE: And the way I'm looking at, just
12 from the mechanics, is that there's a working group that
13 this study is associated with. That's really what our
14 intent was, to circulate the revisions or the draft
15 revisions to that working group.

16 Is that satisfactory?

17 MR. HOGAN: Is everybody in this room on that
18 working group?

19 MR. RAGONESE: Not everybody, but some of these
20 are on that.

21 MR. HOGAN: Well, if someone's not on that
22 working group and wants to be on that working group, I
23 suggest you get your name to John today.

24 MR. RAGONESE: Or file it on the website.
25 We'll be happy to have you. But, yes, do that.

1 MR. HOGAN: Okay.

2 MS. WILL: Sign up on paper?

3 MR. DEVINE: John Devine, HDR.

4 Is there an element of Study 14 that informs
5 13? And 14 would be related to spawning, resident fish
6 spawning. Is that coordinated with or integrated into 13 at
7 all

8 MS. WILL: The fish assemblage study might kind
9 of inform spawning.

10 MR. HOGAN: According to our notes, John --
11 well...

12 MR. RAGONESE: With respect to 13, we've
13 identified the locations in the study plan itself. So
14 they've already been identified as the ones without monitor.
15 So we're not adjusting that based on..

16 But maybe to what Lael is referring to is that
17 the fish assemblage may assist us in part identifying where
18 spawning and species distribution occurs for spawning --
19 target species or whatever we might want to call that.

20 MS. GRADER: I thought that -- Melissa, Fish
21 and Wildlife Service.

22 I thought that you were going to be choosing --
23 a group was going to select a sub-set --

24 MR. RAGONESE: Yes.

25 MS. GRADER: -- of those sites that were deemed

1 to be most influenced by project operation --

2 MR. RAGONESE: That is --

3 MS. GRADER: -- pursuant to the data that
4 you're collecting --

5 MR. RAGONESE: That's correct.

6 MS. GRADER: -- right now. So they haven't all
7 been selected yet, right? But the whole body has, but then
8 there's going to --

9 MR. RAGONESE: Yeah. Yeah, yeah.

10 That's what I'm talking about. We're not
11 identifying the whole body for assemblages. That's fine.
12 You did fine.

13 MR. HOGAN: Did you get your answer?

14 MR. RAGONESE: I think so.

15 MR. HOGAN: Okay.

16 So Study 14, Resident Fish Spawning in
17 Impoundments.

18 UNIDENTIFIED PARTICIPANT: Delay.

19 MR. HOGAN: Delay?

20 UNIDENTIFIED PARTICIPANT: Delay.

21 MR. HOGAN: 2015?

22 UNIDENTIFIED PARTICIPANT: Yeah.

23 MR. HOGAN: Okay.

24 Study 15, Resident Fish Spawning in Riverine
25 Sections of the study.

1 UNIDENTIFIED PARTICIPANT: Delay.

2 UNIDENTIFIED PARTICIPANT: Delay.

3 MR. RAGONESE: Agreed.

4 MR. HOGAN: Study 16, Sea Lamprey Spawning
5 Assessment.

6 UNIDENTIFIED PARTICIPANT: Delay.

7 UNIDENTIFIED PARTICIPANT: Delay.

8 MR. RAGONESE: Agreed.

9 MR. HOGAN: Also 2015?
10 (No response.)

11 MR. HOGAN: 17, Upstream Passage of Riverine
12 Fish Species Assessment.

13 MS. WILL: Delay.

14 MR. RAGONESE: Agreed.

15 MR. HOGAN: Study 18, American Eel Upstream
16 Passage Assessment.

17 MS. GRADER: Oh, this is the upstream eel
18 passage assessment. Okay.

19 MR. SIMMONS: We recommend delay.

20 MR. DAVIS: I think there was some -- Eric
21 Davis, Vermont ANR. There were some reconnaissance efforts
22 associated with the study that we felt could go forward, but
23 the field work would be delayed until - - .

24 MR. HOGAN: Okay.
25 Thoughts about that?

1 MR. SIMMONS: What reconnaissance? I just - -

2 .

3 MR. DAVIS: I'll have to find it in my study --
4 in the plan.

5 MR. SIMMONS: I think the first year we were
6 going to go out and do the searches. And then the second
7 year we would put in eel trap houses was that study plan.

8 I think the recon would probably be put off
9 also.

10 MR. DAVIS: Okay. That sounds good.

11 MR. DEAN: I'm sorry, I didn't hear that.

12 MR. HOGAN: Rick, could you repeat for David?

13 MR. SIMMONS: Yeah. We're going to delay until
14 2015.

15 Vermont had mentioned that there was a
16 reconnaissance effort as part of that study. That's true.
17 There was a nighttime -- nighttime surveys below the dams to
18 see where the eels were congregating possibly and where they
19 might be working up. And we're saying that needs to be
20 delayed, too, because of Vernon, basically.

21 MR. SIMMONS: So the whole timeline would move
22 from 2015 to 2016.

23 MS. GRADER: We're fine with that. I think we
24 had said that -- We had consulted with Alex Harrow and he
25 had felt that if there were potential temperature

1 differentials along the base of the dam then that could
2 influence upstream passage study.

3 And I'm aware that VY in the past has collected
4 data. And I believe they said that those data indicated
5 that there wasn't a temperature differential. But I don't
6 believe we ever saw those data. So it's probably, just to
7 be conservative, best to hold off and wait.

8 MR. HOGAN: Okay.

9 Katie.

10 MS. KENNEDY: I just had a question -- Katie
11 Kennedy with the Nature Conservancy -- maybe asking, since I
12 think that we had discussed going forward with the eel
13 studies at one point. And the eel study at Turners is
14 scheduled to go forward.

15 Are there any differences that can occur on an
16 annual basis that would bring concern in terms of doing
17 these studies at different times? I don't know.

18 MR. SPRANKLE: If we were going to be looking
19 at the two as a whole. I think it's more project-specific.
20 I mean I'm --

21 MS. KENNEDY: Okay. So abundance isn't going
22 to matter either way.

23 MS. GRADER: I think it's within a project.

24 MS. KENNEDY: Okay.

25 MS. GRADER: You know, it's going to be so

1 specific to the project and where the, you know --

2 MS. KENNEDY: Okay.

3 MS. GRADER: -- points of leakage and other
4 points of attraction are going to be --

5 MS. KENNEDY: Okay.

6 MS. GRADER: -- at a given project.

7 MS. KENNEDY: Okay.

8 MR. HOGAN: And the thought process on Turners
9 moving forward was because it's all mixed at that point.

10 MR. SPRANKLE: Yes.

11 MS. KENNEDY: Right.

12 MR. HOGAN: So you don't have the temperature
13 differentials across the face --

14 MS. KENNEDY: Right.

15 MR. HOGAN: -- of the dam that you may have at
16 Turners.

17 MS. KENNEDY: Right.

18 MS. DE WALD: If I could just like throw out
19 some recent modeling that we did last -- this past summer
20 that suggests that the thermal pool from Vermont Yankee, by
21 the time you get to the face of the Turners Falls dam the
22 river is back to within a degree of ambient.

23 MS. GRADER: Right. So temperature is still
24 elevated, but there's likely not a depth differential along
25 the face of the dam, which is the primary concern for this

1 specific study.

2 MR. RAGONESE: We ought to maybe just reserve
3 on this one.

4 I'm not totally sure we want to not try to
5 attempt to do this in one year with both those elements
6 somehow. I know that we've heard that this is what the
7 agencies would like. We would like to have had 2014 and
8 2015 to do this. But because the monitoring would then
9 extend into the fall of 2016, it becomes somewhat
10 problematic from a timing standpoint.

11 So we want to think about that a little bit.
12 And maybe there's another approach that may be workable to
13 do it all in 2015. I don't know.

14 But that's our challenge. We would like to
15 have the studies, if at all possible, done in 2015 and not
16 any extended past our application.

17 That said, it warrants potentially looking at
18 that there's another approach on this to not extend the
19 second half into 2016. So I'm throwing it out there.

20 MS. GRADER: But isn't that a difference in --
21 I mean trying to do it all in one year is different than
22 saying which year you want to do it in.

23 So I think we had commented that we wanted to
24 have a full season of surveying for areas of concentrations
25 before deploying the eel passage through collections. So it

1 sounds like you're saying something different than what was
2 in the study.

3 MR. RAGONESE: That's exactly what I'm saying.
4 We may want to revisit that and see if there is a way to
5 design a study that can do everything at the end of 2015.
6 And I don't know if there is. But I'm just suggesting that
7 we may want to do that.

8 I would like to avoid having only one study
9 that requires 2016.

10 MR. HOGAN: All right.

11 MR. RAGONESE: So I'm --

12 MS. GRADER: Well, if one of those ways is to
13 --

14 MR. RAGONESE: I'd like to not do that here,
15 though, because I don't think they want to, put a
16 placeholder in there. I'm not agreeing to 2016 yet. I'd
17 like to find an opportunity to look at this between now and
18 when we try to file something for you on any amendments.

19 MR. HOGAN: Okay. And if you can't reach
20 concurrence on it, that will be very important for us to
21 know.

22 MR. RAGONESE: Yeah. No, no.

23 MR. HOGAN: So if there's no agreement on the
24 approach we can either look at stakeholder consultation and
25 study plan development, you know, similar to what we've gone

1 through this summer, you know, or have a simple -- having
2 the agencies respond in comments to what needs to be done --
3 meaning 2015-2016 as written.

4 But I don't think it would -- it doesn't sound
5 like we're going to resolve it here --

6 MR. RAGONESE: No.

7 MR. HOGAN: -- at this meeting.

8 MS. GRADER: But I guess the only question I
9 have is if when you look at ways that you can try to get all
10 the information before the fall of 2016, if one of those
11 ways is by doing phase one in 2014 --

12 MR. RAGONESE: That's not what we're proposing.

13 MS. GRADER: Okay.

14 MR. RAGONESE: We think it should go to 2015.
15 What we're trying to figure out, if maybe there is another
16 broader design that might enable us to do all the work in
17 2015. I don't know. I'm not even --

18 MS. GRADER: Okay.

19 MR. RAGONESE: I'm not even trying to suggest
20 what it is except that if we were trying to do the first
21 phase to limit something in the second phase, but we chose
22 not to limit the second phase, then you potentially in
23 theory could do it all in one year. I don't know.

24 I'm just -- Just philosophically, I'm trying to
25 figure out if there's a way that we can sit down -- not in a

1 vacuum -- and look at this in a way, we would appreciate the
2 opportunity to look at it. Maybe we caucus and five minutes
3 later we say there's no way we can do that.

4 But I'm not prepared at this point to say we
5 will not do this in 2016.

6 MR. HOGAN: Understood.

7 So it sounds like you're going to take the
8 opportunity in the next couple of weeks to meet with the
9 agencies to discuss it. And TransCanada may or may not come
10 up with an alternative plan. And if there's concerns with
11 that alternative plan, we'll learn about it.

12 But even if we learn about the concerns --
13 let's say there are concerns -- we may put it back on
14 stakeholders and the licensees to come in either with a
15 revised study plan or we will just address it in the
16 determination -- Okay? -- depending on the magnitude -- what
17 we think, you know, if we feel that we just need some more
18 input.

19 MR. GRIES: Gabe Gries.

20 Just a general question. And you might not
21 have an answer to this one.

22 So with this, I mean obviously due to timing
23 and such there are some issues with, you know, for example,
24 trying to do a full field study in 2016 with this particular
25 study.

1 What if we get to 2015 and, you know, there's
2 just horrific weather events; you know, we feel that some of
3 the studies might not be representative. It's a very weird
4 year. I mean where does that lead us towards 2016.

5 MR. HOGAN: If we can demonstrate that the
6 anomalous conditions influenced the study results and the
7 study results were not representative of the normal
8 condition of the system, the integrated licensing process
9 does contemplate that and suggests that that's a cause for
10 conducting the studies again. You know, that's something
11 that we would look at.

12 We certainly need to understand that, you know,
13 just because you have high water doesn't mean it's going to
14 affect the terrestrial studies.

15 MR. GRIES: Sure.

16 MR. HOGAN: Let's say above the high water
17 mark.

18 You know, so I mean it's -- what was the
19 anomaly and did it have an effect on the data that was being
20 collected, you know, or likely effect; can you make those
21 connections.

22 But, yeah, we recognize that as a cause for a
23 re-do.

24 MR. GRIES: And I more just bring that up
25 because of, you know, the obvious delay of, you know,

1 missing out on 2014.

2 MR. HOGAN: Yeah.

3 I will say, you know, because TransCanada
4 doesn't want to conduct studies in 2016 is not a reason not
5 to conduct studies in 2016.

6 (Laughter.)

7 MR. HOGAN: But I'm more than happy to look at
8 other ways of setting the cap; if we can meet the data needs
9 and their desires, great. Okay?

10 MR. GRIES: Thank you.

11 MR. HOGAN: So my notes on American eel are
12 we're going to look at it.

13 (Laughter.)

14 MS. WILL: A delay and then --

15 MR. DEVINE: And not to start in 2014.

16 MR. HOGAN: Right. Not in 2014.

17 MR. DEVINE: A delay to at least 2015. And
18 TransCanada wants to consider a study being done all in 2015
19 so that might require a change in study plan. But that's --
20 TransCanada would like to have some time to consider that.

21 MR. HOGAN: I'm glad I made you note-taker.

22 (Laughter.)

23 MR. HOGAN: All right.

24 All right. Study 19, American Eel Downstream
25 Passage Assessment.

1 MS. GRADER: Delay.

2 MR. HOGAN: 2015?

3 MS. GRADER: Yeah, to 2015. I think -- I guess
4 we need to have a conversation about -- so the telemetry
5 portion would be delayed and Vermont Fish and Wildlife might
6 -- has -- maybe we should have a discussion --

7 MS. WILL: Questions.

8 MS. GRADER: -- Yeah, a question --

9 MS. WILL: Yeah.

10 MS. GRADER: -- about methodology on the High-Z
11 tag component and whether that also should be delayed.

12 MS. WILL: I guess my question was the
13 methodology with the balloon tagging and the added stress of
14 the temperature component of it. To remove that added
15 stressor would that affect mortality or survival.

16 MS. GRADER: Relative to -- at post-tagging tag
17 acclimation in the ambient river water. Is that so that
18 they're being collected somewhere that's, you know, not
19 influenced by VY discharge? Them getting held in heated
20 water, could that then affect something that, you know,
21 would influence the results of a turbine survival study?

22 MS. WILL: Yeah. That was my concern.

23 MS. GRADER: I mean it seems like an obvious
24 way to get around that is to acclimate them to
25 non-VY-influenced water. But I do know how feasible that

1 is.

2 MR. RAGONESE: Not acclimating them in the
3 pool?

4 MS. GRADER: Yeah, and pull those somewhere
5 off, you know, river that is in ambient --

6 MR. RAGONESE: And then put them through --

7 MS. GRADER: Yeah --

8 MR. RAGONESE: -- the same --

9 MS. GRADER: Yeah. Because if you're just
10 putting them through the rapids and the --

11 MR. RAGONESE: Yeah, but there's a --

12 MS. GRADER: What about --

13 MR. RAGONESE: I'm not sure how you can split
14 that. You either go one way or the other.

15 MS. GRADER: Well, if they're only in it for a
16 few seconds --

17 MR. RAGONESE: Well, they're not going to tell
18 us -- they're going to tell us. You're collecting them;
19 you've got to physically find them. You know, they're in
20 there for a little while.

21 MS. GRADER: Right. Right. After they've
22 been... But --

23 MR. RAGONESE: Well, I'm just trying to
24 comment.

25 MS. GRADER: Could I ask you --

1 MR. RAGONESE: Actually, that's a good
2 question. Because I don't know what the answer would be.

3 MR. SPRANKLE: I've got a question on that.

4 It's Ken Sprankle, Fish and Wildlife Service.

5 I'm thinking that it is problematic because of
6 the tailrace question. So you could say -- potentially not
7 have them acclimated, but they would have to become
8 acclimated because you're going to the tailrace. And so
9 you're subjecting them --

10 MR. HOGAN: That shock.

11 MR. SPRANKLE: -- to additional stress. So I'm
12 feeling less comfortable.

13 MR. RAGONESE: And we're fine with it all
14 getting pushed out. The only question that kind of -- I
15 mean I made a note that we could do it in the survival
16 component at all three - - but there was this numbers issue
17 that we couldn't get enough eels. So you've got to let us
18 know about that. Because if there's not enough eels to do
19 all these studies, this is the one to probably do in 2014.

20 MR. HOGAN: Tim.

21 MR. BRUSH: Tim Brush.

22 MR. RAGONESE: And let me just add: And we
23 want to do it at all three projects. Not that we think that
24 they're -- it's just that it's a -- we'd like to do that.
25 This is a very expensive study and -- just the set-ups and

1 the ordering and everything, we'd like to do it at all three
2 at the same time.

3 MR. BRUSH: Tim Brush with Normandeau.

4 We'd be doing that study for TransCanada. And
5 just a couple of points. I'm not advocating delay or not in
6 this set of comments here.

7 But it's a controlled study. So you have a set
8 of control fish that sort of account for the environmental
9 conditions, say, for the treatment variable. And we were
10 comfortable moving ahead with it if Vermont Yankee was
11 continuing to operate.

12 So we didn't see any particular risks to have
13 an unsuccessful study at Vernon. We've done studies on
14 smolts there; we've done some small studies, small-scale
15 studies on juvenile shad there.

16 So the conditions with Vermont Yankee
17 operating, we didn't see any particular study failure risks
18 going -- you know, had Vermont Yankee continued to operate.

19 So I don't see a particular problem with it.
20 And the fact that we have a control group as part of this
21 experiment then has broken out environmental variables to a
22 degree.

23 That was my primary comment. I'll leave it at
24 that.

25 MS. KENNEDY: This is Katie Kennedy with the

1 Nature Conservancy.

2 I think that a lot of these studies we could,
3 you know, go forward with them and include some element of
4 control. But from a bioenergetic standpoint we know that
5 most fish -- and I'm not an eel expert -- but most fish have
6 different stress levels that are different temperatures. So
7 whether or not you have a control, the mortality that occurs
8 at Vernon under the current temperature regime is going to
9 be different than it would occur under a normal temperature
10 regime.

11 MR. RAGONESE: Maybe.

12 MS. KENNEDY: Exactly. And that's the big --
13 whenever you don't know, it's just possible that it's not.
14 But if -- and I'm not an eel expert, but there are some fish
15 that were definitely there, the potential for them to have
16 higher mortality under different temperatures is likely.
17 Whether or not eel would, I don't know.

18 MR. RAGONESE: We're fine with this all getting
19 fleshed out. That was our preference. It was only until
20 you said something yesterday that we thought there might be
21 a problem moving forth from a numbers issue.

22 So just let us know.

23 MS. GRADER: It may be an issue, although it,
24 you know -- FirstLight is going forward in 2014 with that.
25 So that alleviates some of the, you know, numbers issue.

1 I don't want to leave this. I mean I
2 understand Tim's point that if they're both being control
3 and test fish in warm water then any effects of the turbine
4 survival, you know, you could tease that out whether you've
5 controlled for the temperature effect.

6 I figure that with a lot of the studies,
7 though. And we're --

8 MR. RAGONESE: Exactly. I just think -- We're
9 a firm believer. We need to think of this -- we want to be
10 doing these studies in the appropriate baseline condition
11 regardless of whether or not we predict that there's a
12 problem or not.

13 MR. HOGAN: So let me ask a question. I'll
14 start with a statement.

15 The study plan says that the study will be
16 utilized to also assess the passage route selection of eels
17 through the facilities. Does anybody think temperature
18 would affect passage route selection?

19 MS. GRADER: Well, that's why the telemetry --
20 we were always wanting the telemetry portion to be delayed.

21 MR. RAGONESE: Correct. So telemetry we all
22 are on the same page. We're all on the same page with both
23 of them. It's just a matter of whether or not you are able
24 to do the entrainment portion.

25 MS. GRADER: So everything's going to get

1 delayed. Right?

2 And hope we get enough eels to do the studies.

3 MR. HOGAN: Okay. 2015.

4 So Study 20, American Eel Downstream Migration
5 Timing Assessment. Influenced by temperature?

6 MR. RAGONESE: Okay. Let me just -- So this is
7 a sort of a --

8 Well, it is. But we do not want to do the
9 report -- we don't want to complete this until after we've
10 had the other studies, eel studies in the projects. But we
11 may be able to conduct the desktop at any time going
12 forward. But we don't want to write the report absent the
13 other studies being completed. And those are being delayed.
14 So it's the report element that we would...

15 So how you want to characterize this -- but
16 this is a sort of 2014-2015 period we need to do the study.

17 MR. HOGAN: Okay. So this one where the
18 desktop work can move forward and we'll do -- report on the
19 progress at the ISR and file a final report --

20 MR. RAGONESE: But I'm suggesting it doesn't
21 actually need to be done in 2014 either. We could do this
22 all in 2015 and avoid having to spend money on an interim
23 report.

24 MR. HOGAN: Thoughts?

25 MS. GRADER: The interim report wouldn't say a

1 whole lot, I don't think, other than a literature review
2 versus having great data which is, you know, Connecticut
3 River-specific, which is going to be informed by all these
4 studies that are getting delayed.

5 MR. DAVIS: Does the data in this report at all
6 depend on the Turners Falls, the data collected at Turners
7 Falls?

8 MS. GRADER: Some does, right? Wasn't the
9 hydro-acoustic portion, weren't you going to use some of
10 those data in this study? Or not? I thought I'd read that.

11 UNIDENTIFIED PARTICIPANT: What hydro-acoustic
12 --

13 MR. DEAN: Yeah, it does. It says specifically
14 that --

15 MS. GRADER: Not your hydro-acoustic.

16 MR. DEAN: -- data collected --

17 MR. HOGAN: David, could you say that again?

18 MR. DEAN: I'm sorry, Ken?

19 MR. HOGAN: We didn't hear it on the phone.

20 MR. DEAN: The study says that it would be
21 augmented by field data collected at Cabot Station.

22 MS. GRADER: Yes.

23 MR. HOGAN: Okay. So just go ahead and final
24 report in 2015. You got it.

25 MR. RAGONESE: That statement says the same

1 thing for our data.

2 MR. HOGAN: Okay.

3 So Study 20, 2015 also?

4 (No response.)

5 MR. HOGAN: Study 21, American Shad Telemetry
6 Study. I think the answer to that is 2015, correct?

7 MS. WILL: Correct.

8 MR. HOGAN: Study 22, Downstream Migration of
9 Juvenile American Shad.

10 2015?

11 (No response.)

12 MR. HOGAN: Study 23, Impingement, Entrainment,
13 and Survival Study.

14 MS. WILL: This study relies on data from the
15 fish assemblage study. So does that -- it needs to be
16 delayed. I know a lot of it's lit review; so probably the
17 lit review part could go forward.

18 MR. HOGAN: Right. I know --

19 MR. RAGONESE: Just for the record, this is
20 proposed for spring of 2015. So it's already proposed for
21 '15, I believe, because of that reason right there.

22 MS. WILL: Okay.

23 MR. HOGAN: So does that make that 2016?

24 MR. RAGONESE: No.

25 (Laughter.)

1 MR. RAGONESE: We may just do it -- We may do
2 it at the end -- the other end of 2015 when we have the
3 assemblage study.

4 You know, originally we had it, so we were
5 following the fish assemblage. We can still do this because
6 it is a desktop lit review. We're just going to do it
7 after. So if you're going to prescribe what month we'll do
8 it in, I can give you the month. But it's a 2015 study
9 already.

10 MR. HOGAN: I am.

11 MS. WILL: You can do it late 2015.

12 (Simultaneous discussion.)

13 MR. HOGAN: Doesn't it also incorporate the - -
14 .

15 MR. HOGAN: And that's occurring
16 in 2015.

17 MR. RAGONESE: We can amend --
18 because our study now probably does say spring. Do you want
19 us to amend it and say fall?

20 MR. HOGAN: Sure.

21 MR. RAGONESE: That's what I was afraid of.

22 (Laughter.)

23 MR. HOGAN: Well, no, no I mean --

24 MR. RAGONESE: No, that's fine. That's fine.

25 MR. HOGAN: Well, I'm happy just to make a note

1 here to move it to the fall, a change from spring.

2 MR. RAGONESE: We said spring because we wanted
3 to do it after the other one.

4 MR. HOGAN: But this -- My recollection is --
5 and my team will correct me if I'm wrong -- that the study
6 also incorporates the entrainment data from the shad and the
7 eels to verify the literature data from the EPRI studies.
8 So we've got to look at that timing, when those things are
9 occurring and reporting. That's what I was...

10 MR. CROCKER: Jeff Crocker, Vermont ANR.

11 I think one of the shad studies is already two
12 years. So 2016 might be in play, too, as we are discussing
13 things.

14 MR. HOGAN: I think it's requested for two
15 years and we are debating on that.

16 MR. CROCKER: Okay.

17 MR. HOGAN: It's an item in dispute before the
18 Commission, right?

19 MR. RAGONESE: Which one is?

20 MR. HOGAN: The Study 20 -- I'm sorry, Study
21 19.

22 UNIDENTIFIED PARTICIPANT: Isn't it 21?

23 MR. HOGAN: My report shows for the shad
24 telemetry studies there was a request for two years.

25 But I don't believe that was supported by

1 TransCanada. And that should take -- the two-year versus
2 one year is the dispute before the Commission firmly.

3 And whatever we decide it will be, it will be.

4 So we're on 23. Well, what was the result from
5 23, fish impingement? That was going to be just fall but
6 taking into consideration --

7 MR. RAGONESE: We'll send in something to the
8 effect that we would be doing this at the end of the --
9 having the results of those other studies, supporting
10 studies, it will likely be in the fall or the late -- the
11 second half of 2015. I'm not sure what month.

12 MR. HOGAN: Okay. I just wanted to make sure
13 that --

14 (Laughter.)

15 MR. DEVINE: John Devine with HDR.

16 The USR is due on September 30th -- Oh, we
17 don't know yet, I guess, because of the -- when the USR
18 would be due because that's going to depend on when the
19 study plan determination --

20 MR. HOGAN: No, I...

21 MR. DEVINE: USR -- sorry.

22 MR. HOGAN: The updated --

23 MR. DEVINE: The updated study report.

24 MR. HOGAN: Or the interim.

25 MR. RAGONESE: The ISR.

1 MR. DEVINE: Yeah.

2 MR. HOGAN: The first study season is the
3 updated study report. The second study season is the -- or,
4 I'm sorry, the interim study report and then the updated
5 study report.

6 John raises a good question. And process-wise,
7 you know, those deadlines are triggered off of the issuance
8 of the study plan determination.

9 In the past when we have had the split, which
10 is a sample size of one, the study plan determinations, the
11 interim study report and the updated study reports were due
12 one year from -- one and two years, respectively, from the
13 first study plan determination. So September, you know,
14 2013. And that basically brought everything back together
15 to the original --

16 MR. RAGONESE: It's fine with us.

17 MR. HOGAN: -- process plans.

18 So rather than getting a dual process moving
19 forward with, you know, study reports coming twice a year,
20 you know, we just --

21 MS. Will: Or whenever the second --

22 It's kind of like accounting: Last in, first
23 up.

24 MR. HOGAN: The first one.

25 UNIDENTIFIED PARTICIPANT: Of September.

1 MR. HOGAN: It puts it all back onto the
2 original schedule for the ILP.

3 Do you have a preference?

4 MR. RAGONESE: Again, just so we're clear and
5 understanding this as we're talking about this, the interim
6 study report is not necessarily the report on the study
7 results. It's an interim report on your studies that you're
8 - - .

9 MR. HOGAN: The ISR -- the interim study report
10 is a progress report of, 'We are conducting the studies;
11 this is what we've done. We have done them the way that we
12 are required to,' 'We have not done them the way we were
13 required to; we had a -- made a modification or had a
14 variance for these reasons. As a result of that variance
15 the data that we collected was either adequate to meet the
16 goals and objectives of the study or it was not.'

17 But that said, if the study has been completed
18 and the report is ready, typically the ISR would have an
19 individual study's report attached to it. And that would be
20 able to be commented on and weighed on in full.

21 MR. RAGONESE: If it wasn't provided prior.

22 MR. HOGAN: Right.

23 And usually the USRs do have more reports
24 because it's the second year and a lot of the one-year
25 studies, the reports have embedded all the data has been

1 QA/QC'd and the report has been prepared.

2 Any questions on that?

3 MR. DEVINE: Well, the point I was bringing up
4 there, too, Ken, was for that study 23 was that it was
5 originally going to be in the spring of 2015, which means it
6 would have been available for the updated study report. And
7 now it will be after that. So if that's the change, it
8 would not be available for the updated study report. So
9 it's just a change of availability.

10 MR. HOGAN: Okay.

11 MR. RAGONESE: I'm not sure what they will do
12 at any - - . I mean we may have a lot that will fall into
13 that category.

14 MR. HOGAN: And clearly for the schedules that
15 are interrelated, John, we're going to have to pay close
16 attention developing our study plan determinations to make
17 sure that we are not asking TransCanada to do something that
18 is in conflict with other studies, and, you know, really
19 making sure everything flows together the way it's supposed
20 to.

21 MR. RAGONESE: Ideally -- and I don't know if
22 the Commission has the latitude -- but I would not choose
23 September 13th and find the right date to do these in. And
24 that is probably at the end of the study season, like
25 October, the end of October/first of November so that we can

1 avoid having this kind of three different dates that are not
2 meshing.

3 So if it just -- you know, I don't know if you
4 have the latitude or not. But it seems to me that September
5 13th is kind of arbitrary and it kind of screws everything
6 up because half the -- so many of these are fall migratory
7 species that it just, you know, we can report, 'Yeah, it's
8 ongoing and we'll be done in two weeks, but we don't have
9 anything to give you.' You know, and it will be kind of
10 that kind of thing, whereas we might have more to give you
11 if it were just a little later.

12 MR. HOGAN: FirstLight, do you have a thought
13 on it?

14 MR. SULLIVAN: Well, just process wise we're
15 real surprised when you said that they -- if I understood
16 you correctly, you were going to hold the individual study
17 report date and get the study report date of September of
18 next year or September the year after. Did I understand
19 that?

20 MR. HOGAN: Yeah. Typically it would be
21 triggered off of the original study plan determination.

22 MR. SULLIVAN: Well, actually there would be
23 two aspects of that. He said you had a sample size of one.
24 And we were just trying to remember if this session came out
25 in Conowingo. And we're trying to remember whether or not

1 it all consolidated into one --

2 MR. HOGAN: All right. Let me rephrase that.

3 I know of a sample size of one. And Conowingo
4 was not it.

5 MR. SULLIVAN: It's right in -- and I'm being
6 on the record. It was like four years ago.

7 MR. HOGAN: Okay.

8 MR. SULLIVAN: Our concern is we are
9 short-changed particularly this year on timing. All right?

10 So there were some studies that we agreed
11 yesterday were 2014 studies. So our concern is being
12 short-changed a little bit on time this year. That means
13 that we also recognize that the initial study report is
14 basically kind of a progress report.

15 So I guess the take-home message for us is we
16 need to go back and think about that a little bit and we
17 want to look at Conowingo and some of the other examples.
18 It may not be an issue for us at all.

19 MR. HOGAN: Yeah.

20 MR. SULLIVAN: But we need --

21 MR. HOGAN: And on my sample size of one it was
22 Susitna.

23 MR. SULLIVAN: Susitna.

24 MR. HOGAN: And the licensees came in and they
25 provided an updated process plan that was consistent with

1 why I said where all the future dates were triggered off of
2 the initial study plan determination.

3 So I do think we may have some flexibility here
4 if folks -- I can promise you it won't be more than a year
5 from the next determination.

6 MR. SULLIVAN: Okay.

7 MR. HOGAN: Okay.

8 MR. SULLIVAN: Well, that would be after our
9 license draft because you're not getting it done until...

10 MR. HOGAN: No, the next study plan
11 determination, this one pending. Anyway...

12 MS. GRADER: I mean from the Fish and Wildlife
13 Service's perspective, I think it -- especially not so much
14 for the interim, but for the updated study report it seems
15 to make more sense to have it be tied to the end of appeals
16 because then -- I think for field biologists in the room,
17 ideally it would be maybe when this next study plan
18 determination comes out, which will be in maybe January,
19 which is not a field season.

20 So -- I mean that's just what's most convenient
21 for us. But it also makes sense to wait until the field
22 season's over.

23 MR. HOGAN: I'm going to put it on the
24 licensees. We want to keep the schedules on track between
25 both -- for both sets of projects.

1 You guys coordinate a schedule for the process
2 plan, something between September 13th and the next study
3 plan determination, which will probably be in January,
4 somewhere in there. Come up with a process plan for moving
5 forward. And we'll look at it; we'll either approve it or
6 deny it.

7 You make good points. I just can't say.

8 For us --

9 MR. RAGONESE: There's latitude.

10 MR. HOGAN: For us it's nice and neat when it's
11 triggered off of one of the study plan determination-base.
12 I'm not saying that that's -- that doesn't necessarily mean
13 that it has to be that way. But I mean we'll look at it and
14 we'll try to figure it out. And, you know, it could be
15 November first, December first, January first -- well, not
16 January first.

17 Actually, after Christmas for me would be much
18 better.

19 (Laughter.)

20 MR. HOGAN: It's because I don't want to be
21 working at Christmas each year.

22 (Laughter.)

23 MR. RAGONESE: Tell me if I'm wrong -- I mean
24 maybe I'm not -- maybe I don't have the right calendar in my
25 head. But if it's triggered on the second determination

1 then the updated study report is after we file a draft
2 license.

3 MR. HOGAN: I'd have to do all the math.

4 MR. RAGONESE: That's the challenge.

5 MR. HOGAN: Yes, it is.

6 MR. RAGONESE: So it's got to be prior, but
7 just more in line with when the studies are going to be
8 completed in 2015. Otherwise it's just impossible.

9 MR. HOGAN: Yeah, and that's what we need to go
10 over.

11 MR. DEVINE: The draft is December first. The
12 draft would be no later than December first of 2015.

13 MS. GRADER: What? The preliminary licensing
14 proposal?

15 MR. HOGAN: Yes.

16 MR. DEVINE: Or a draft, whatever.

17 MR. HOGAN: But you have ninety days.

18 MS. GRADER: For the PLD.

19 What about for the USR? What's the comment
20 period for those?

21 MR. HOGAN: A lot of times they come out at the
22 same time. That's 15 days for the meeting and 15 days for
23 the comments, I think. I'd have to go back to check.

24 MR. DEVINE: 45.

25 MR. HOGAN: 45?

1 MR. DEVINE: Yeah.

2 MR. HOGAN: So 45 days.

3 MS. GRADER: Anybody ever say that these ILP
4 time frames are just insane? I just want to go on record.

5 (Laughter.)

6 MR. HOGAN: We've never been accused of being
7 soft.

8 MR. RAGONESE: I'll cook a turkey in 2015. I
9 mean I don't do donuts, but I will do a turkey if you need
10 to, you know, work through Thanksgiving.

11 (Laughter.)

12 MS. GRADER: Turkey makes people sleepy, John.

13 MR. RAGONESE: Okay. That's great.

14 (Laughter.)

15 MR. HOGAN: So there is a legitimate concern
16 associated with the new schedules and timing of the ISRs,
17 the USRs, PLP. And we'll look at that.

18 Julia.

19 MS. WOOD: Ken, I would add the concern also
20 with the study reports is we'd like to avoid filing two
21 different sets of initial study reports and updated study
22 reports.

23 MR. HOGAN: You mean one that handles the first
24 determination and then one that handles the --

25 MS. WOOD: Yes.

1 MR. HOGAN: -- the next pending.

2 We agree. And that's why I was saying, you
3 know, in the past my experience has been it's all -- it was
4 triggered with Susitna, it was all triggered off of the
5 first study plan determination. And that's what brought it
6 all back onto the same schedule.

7 Yeah, I know. We agree.

8 MS. WOOD: Okay. So our proposal, we'll try to
9 coordinate. And we will coordinate it with TransCanada.
10 We'll address all these issues.

11 MR. HOGAN: Okay.

12 Does that sound fair to folks who are going to
13 look at the schedules, how they fall out. We'll get a
14 proposal from the licensees. We'll consider whether or not
15 we can live with that or not.

16 Okay. Does anybody -- Let me see. How many do
17 we have left? We've got three left.

18 Anybody need a break?

19 (No response.)

20 MR. HOGAN: Okay.

21 Okay. Study 24, Dwarf Wedgemussel and
22 Co-Occurring Mussel study.

23 MS. WILL: We thought that this one could move
24 forward.

25 MR. HOGAN: Yes. 2014, no change.

1 Study 25, Dragonfly and Damselfly Inventory and
2 Assessment.

3 MR. CROCKER: Jeff Crocker.

4 Based on yesterday's conversation, we feel it
5 should be delayed until 2015.

6 MR. HOGAN: Okay. We're getting --

7 MR. RAGONESE: Agreed.

8 MR. HOGAN: -- affirmative from TransCanada
9 also.

10 All right. So the next item was kind of an
11 error on my part in the study plan determination. It's the
12 -- We got requests for modification to TransCanada's studies
13 to incorporate -- to a number of TransCanada's movement
14 studies to incorporate hydro-acoustics at Vernon. I
15 inadvertently included it as a stand-alone study request,
16 but it was really a modification to other studies.

17 What I've learned, and Lynn, you can correct me
18 if I'm wrong, is in -- Let me back up.

19 In TransCanada's study plan for Vernon there's
20 a proposal to acknowledge that Entergy is planning to do
21 hydro-acoustics in the Vernon four bay.

22 MR. DE WALD: Were planning, or are planning?
23 I don't know if that's the plan.

24 (Laughter.)

25 MR. HOGAN: But the intent, which was not real

1 clear was that -- from our perspective was that it was
2 implied that TransCanada was going to utilize that data in
3 its study plan. Maybe that was not your intent. But there
4 was acknowledgement that that study was going to be ongoing.

5 So was that your intent or not?

6 MR. RAGONESE: It was not our intent. Our
7 intent, to the extent that we identified that, is suggesting
8 that the study request was basically made to two different
9 parties for the same purpose, and that the purpose was more
10 a purpose for Yankee than TransCanada.

11 MR. HOGAN: Okay.

12 MR. RAGONESE: So we did not propose it.

13 MR. HOGAN: All right.

14 MR. RAGONESE: And we would continue to suggest
15 that all of the study meeting language was associated with
16 the need for a more refined picture through the use of
17 hydro-acoustics for a number of migrating species because of
18 the effect or the potential effect of decisionmaking based
19 on where the thermal changes in the river were. So by
20 eliminating the root issue, we think there's even less need
21 for hydro-acoustics. We also don't think that there is
22 enough evidence that this is a proven technology and purpose
23 for that.

24 MR. HOGAN: I'm not -- Okay. I don't want to
25 get into --

1 MR. RAGONESE: So that's -- I know. But that's
2 -- No, but I'm trying -- You asked me why we didn't do this
3 and why we did it.

4 MR. HOGAN: Okay.

5 MR. RAGONESE: And those are the reasons why.

6 MR. HOGAN: All right.

7 Now, Lynn, my understanding is that Entergy is
8 no longer proposing to go forward with this or maybe other
9 environmental studies that they were planning to do, is that
10 --\

11 MS. DE WALD: That's correct.

12 MR. HOGAN: Okay.

13 So a quick question for I guess Ken.

14 With Vermont Yankee -- I guess two questions --
15 Vermont Yankee shutdown is hydro-acoustics still an interest
16 of the agencies?

17 MR. SPRANKLE: It is, as it is with FirstLight.
18 We had questions on the timing, magnitude, duration.

19 Yes, with Vermont Yankee of course we were
20 interested; in the absence of Vermont Yankee that data is
21 still we feel of importance and value for our concerns for,
22 you know, evaluating project --

23 MR. HOGAN: Follow-up question, because this is
24 not even what we are dealing with in the dispute.

25 Does that apply -- is 2015 more relevant or

1 2014 to your request for this data?

2 MR. SPRANKLE: 2015, yes.

3 MR. HOGAN: Any questions with our last study?

4 MR. RAGONESE: I would like just a little
5 clarification on the process because questions came up
6 yesterday and now it's more in my basket than theirs so I
7 had to pay more attention.

8 MR. HOGAN: Well --

9 MR. RAGONESE: So if a determination is made
10 that hypothetically includes hydro-acoustic technologies in
11 studies and we disagree, what is our option in this changing
12 environment? We have no option to dispute or anything along
13 those lines --

14 MR. HOGAN: The Commission --

15 MR. RAGONESE: -- because of the environmental
16 change in baseline that we think was the root cause for the
17 hydro-acoustics since the exact same study was suggested to
18 be provided by the nuclear operator.

19 MR. HOGAN: I see. So you're wanting an
20 opportunity to augment your discussion as to why
21 hydro-acoustics continues not to be appropriate or is no
22 longer --

23 MR. RAGONESE: Hypothetically, yes.

24 MR. HOGAN: File a letter. I mean, you know,
25 the record's open. I can't -- I assume the arguments are

1 the same. If they're different because of the VY closure,
2 feel free to augment the arguments as well.

3 MS. GRADER: Beyond what Ken just put on the
4 record -- I mean --

5 MR. HOGAN: Well, those are the same arguments
6 that have already been made. I'm saying if there's a new
7 argument that's a result of the VY closure, we'll entertain
8 all the information.

9 You know, if there's more support for why now
10 it's even more important, we're happy to entertain that.
11 Support for why it's less important, we're happy to
12 entertain it. I mean it's --

13 MS. GRADER: Okay. Got it.

14 MR. HOGAN: -- you know -- but I want it tied
15 to Vermont Yankee; I don't want it tied to -- or just a
16 reiteration of what's already in our record.

17 MS. GRADER: Right. And we'll review what we
18 provided in the past. If we think supplementing our
19 comments would be beneficial, then we'll do that.

20 MR. HOGAN: All right.

21 MR. SULLIVAN: Is there a schedule for
22 supplementing the plan? I heard that --

23 MR. HOGAN: I would do it quickly. Like I
24 said, I plan to -- if you can do it before Christmas, that
25 would be great. The study plan determination is not going

1 to go out before Christmas -- unless I'm told otherwise.

2 (Laughter.)

3 MR. HOGAN: But I would highly doubt that. And
4 what I would -- Well, like I said, before Christmas I do
5 hope to have a schedule out for moving forward. And that
6 moving forward may or may not include a comment period; I
7 don't know yet.

8 MR. RAGONESE: The discharge is we should
9 review what's in the record and not repeat it, but we can
10 augment what's in the record.

11 MS. GRADER: If it's relevant to VY.

12 MR. RAGONESE: I'm not sure I would agree that
13 it has to be; it's just not in the record.

14 Because you're not -- Are you limiting me, what
15 I can --

16 MR. HOGAN: No.

17 MR. RAGONESE: Okay. That's what I thought.

18 MR. HOGAN: No, no, no. I --

19 MR. RAGONESE: Good. Thank you.

20 MR. HOGAN: You can file whatever you want.
21 But all I'm saying is to make your comments more efficient,
22 you don't need to refile --

23 MR. RAGONESE: What we've already filed.

24 MR. HOGAN: -- what you've already filed.

25 And like I said yesterday, the last study here

1 not being -- is a requested study that was not adopted. My
2 mistake was the way I incorporated it here. But it is an
3 issue that is in dispute.

4 I wanted to make sure we discussed these
5 components that maybe influence -- this could almost be a
6 stand-alone study. We're discussing them equally as if they
7 were proposed or not proposed.

8 It should not imply any support or non-support
9 by the Commission right now. We just want to make sure we
10 have the information so should we choose to agree with the
11 request, we have the data that we need to move forward on it
12 in that event. So... Okay?

13 Yes, sir.

14 MR. FISK: Andy Fisk from the Connecticut River
15 Watershed Council.

16 I just wanted to cycle back to an issue that
17 was brought up yesterday. It's regarding ice and the
18 erosion studies.

19 MR. HOGAN: Yes.

20 MR. FISK: So I wanted to bring that forward
21 because I think there are stations TransCanada is doing
22 below Vernon that may be affected with the change in VY. So
23 I wasn't present yesterday; David wasn't part of that. So
24 if we could just bring that back around for conversation. I
25 think it's Study 3.

1 And then I had another issue on 7q10 that I
2 wanted to just pose.

3 MR. HOGAN: Another issue on -- what was it?

4 MR. FISK: On 7q10, water quality monitoring.

5 MS. MC CANN: Excuse me, I could not hear any
6 of that conversation.

7 MR. HOGAN: Okay.

8 Mary, the request is from Andy Fisk, who wants
9 to discuss Study 3, which is erosion and regarding
10 specifically ice.

11 And then I didn't -- what was the study 7?

12 Okay. So Study 3.

13 Go ahead, Andy.

14 MR. RAGONESE: Well, yeah. Maybe I can help
15 with this.

16 So generally speaking, we look at Studies 1, 2,
17 and 3 as one big study because they relate in the final
18 report on one or three or whatever it is, they're all going
19 to bring in elements together. I'm not -- I can't say I'm
20 totally familiar with the distinctions between what the
21 issue was at FirstLight.

22 But we do have transects proposed and we have a
23 monitoring schedule that goes into 2015 as well. It's a
24 two-year monitoring. So we have every intention of bringing
25 ice into the discussion from day one. And it hasn't changed

1 one bit. Not just below Vernon, but anywhere.

2 So I think we're covered. I don't know if
3 there's any element that wasn't already, you know,
4 incorporated in one or all three of these studies that are
5 associated with, you know, ice mechanics and effects that
6 are associated with erosion. So I don't think it was
7 absent.

8 We did not select transects on the basis of
9 ice. We didn't necessarily select the transects that we
10 provided you guys with this fall on the basis of active
11 erosion, necessarily. We have a broad sample of different
12 kinds of conditions that we want to monitor. And that's
13 what we proposed.

14 MR. HOGAN: What's the -- I'm sorry, go ahead.

15 MR. RAGONESE: The transects are identified in
16 one -- isn't that identified in one?

17 UNIDENTIFIED PARTICIPANT: Two.

18 MR. RAGONESE: Two. I'm sorry.

19 MR. HOGAN: No, the duration of three, Study
20 Plan three, is that a --

21 MR. RAGONESE: I think they're all go until
22 2015 --

23 MR. HOGAN: Two years.

24 MR. RAGONESE: -- in our minds, you know.

25 MR. HOGAN: Two years.

1 MR. RAGONESE: Yeah.

2 MR. HOGAN: Okay.

3 Andy, does that --

4 MR. RAGONESE: I mean we're going to get them
5 with historical documentation earlier than that. But it
6 won't really be incorporated into a report.

7 MR. HOGAN: No, my question was just more tied
8 to the VY closure and when was the study being conducted.

9 So, Andy, it sounds like it's being conducted
10 in '14 and '15. Does that satisfy the concern?

11 MR. FISK: Yes, sir.

12 MR. HOGAN: Okay.

13 And then you had another one?

14 MR. FISK: And again, Andy Fisk, Connecticut
15 River Watershed Council.

16 Bringing it back around -- Mary, can you hear
17 me? Is it picking up on the phone?

18 MS. MC CANN: Most of it; not all of it.

19 MR. FISK: Stand up.

20 Apologies for bringing it back around to some
21 of the earlier conversation. It's really a question and it
22 relates to my admittedly unfamiliarity with critical
23 conditions on the river.

24 So seconding John's observation about looking
25 for flexibility in the water quality monitoring, so

1 deferring it, as we've said, makes sense; it has to do with
2 the question of stations above VY that TransCanada would be
3 monitoring for water quality. So the question relates to
4 there's an opportunity in having an additional year, as well
5 as a detriment.

6 I'm wondering how likely are you to hit 7q10 or
7 critical conditions, and is there an opportunity to stay
8 flexible for stations above the influence of VY to be
9 monitored if critical conditions show up in 2014 and are
10 likely not to show up in '15, because, again, any time you
11 have a window and you're looking for critical conditions at
12 7q10, sometimes you'll get them, sometimes you won't.

13 So will the monitoring have an opportunity to
14 capture a condition above VY in those years -- in the first
15 year that would otherwise be delayed? And that's just a
16 question whether it makes sense to include that type of
17 flexibility. I'm not conversant enough with how often
18 you're going to hit 7q10 or critical flow conditions.

19 MR. RAGONESE: Actually, I may leave that for
20 Katie because I think we're probably on the same page.

21 It goes back to I guess what the goal is. If
22 we wanted to measure water quality at a particular outflow
23 or something that was very specific and unique. But we're
24 really talking about, by doing all this NEPA analysis, we're
25 talking about cumulative effects. And we need the same

1 conditions going on to be able to make the parallels.

2 We have water quality data that we have
3 collected. We think it's also appropriate -- and it's in
4 the record. And we have done monitoring at Vernon, above
5 and below Vernon as well with -- as associated with our
6 upgrade at Vernon. And that was more along your lines. We
7 weren't allowed to do that until we got to the worst
8 conditions, to do exactly what you're asking for. And
9 that's in the record as well.

10 So I think our water quality study, though,
11 that we've designed here is really trying to look at the
12 same conditions in the river. And so we're not terribly --
13 I don't know -- amenable to splitting and having a lot of
14 flexibility in terms of when we do the study in certain
15 places and then do the other. It doesn't meet our goals.

16 But I know that -- you may have the same
17 perspective or not; I'm not sure.

18 MS. KENNEDY: This is Katie Kennedy, the Nature
19 Conservancy.

20 I just want to make sure I understood what Andy
21 was saying.

22 Are you saying that you're wanting to ensure
23 that we don't reach critical conditions in 2014 --

24 MR. FISK: No.

25 MS. KENNEDY: -- or -- Okay.

1 MR. FISK: The observation is here your
2 monitoring strategy is considering critical conditions. And
3 so you may get them; you may not. And so now we actually
4 have a two-year window with an opportunity to hit critical
5 conditions in some of the stations.

6 And I recognize it makes the sampling strategy
7 a little less coherent if you split. But the question is
8 can you -- I mean if -- you may have under a one-year window
9 no critical conditions and you don't hit those. And that's
10 where my lack of detailed understanding of the likelihood of
11 missing critical conditions in a one-year monitoring window.

12 Now we have two. So could we at least get half
13 the baby or have more opportunity to at least get half the
14 baby for those stations above the influence of VY.

15 MS. KENNEDY: And you wouldn't want to split
16 the data because then you can't compare it. So you want to
17 make sure you have one full data set; otherwise you're
18 looking at apples and oranges.

19 And then the other thing is that you don't have
20 two years -- right? -- because the study just proposes a
21 one-year study. So unless we change the fundamental study
22 all together, it is just a one-year study, I think, if
23 that's what I'm understanding.

24 So we really can't split it unless we start
25 from scratch.

1 Is that kind of right?

2 MR. RAGONESE: Well, it's a one-year study.

3 MS. KENNEDY: Right.

4 MR. RAGONESE: You would have to start from
5 some level of scratch -- okay? And then we don't have two
6 years because we're postponing one in order to keep the same
7 conditions in the river that we're monitoring and basing a
8 study on that the effects that our projects have on water
9 quality.

10 That's what our purpose is. It's not try to
11 capture 7q10 because it's very hard to capture 7q10 in the
12 Connecticut River. It doesn't happen very often -- very,
13 very often.

14 MR. HOGAN: Let me get ask a question.

15 Andy -- Let me ask a question, please.

16 You know, you keep saying now we have an
17 opportunity for two years. The Commission's ILP provides
18 for two years of studies. We've gone through study plan
19 development phases, you know, over the last year that, you
20 know, the study plan was developed for one year.

21 I'm curious, is your two-year request now tied
22 to Vermont Yankee closure?

23 MR. FISK: I'm not asking for two years of
24 data. What I'm just saying is within now what is a two-year
25 window, if there is --

1 MR. HOGAN: The two-year window has always
2 existed until we got the revised study plans. So I'm
3 wondering why the issue wasn't brought up, you know, nine
4 months ago in the development of the study plans. Unless
5 it's new because of the Vermont Yankee. I'm trying to keep
6 the meeting on track for --

7 MR. FISK: Yes.

8 I'm reflecting on the fact that the water
9 quality monitoring study was changed in respect to VY's
10 closure announcement. And so it's asking if there is an
11 opportunity to allow for flexibility to capture 7q10
12 conditions that might otherwise be missed because there are
13 now two windows to do that. It means separating the study
14 -- and I understand that introduces some analytical
15 difficulties to it.

16 And so it's a -- and again, I'm not the expert.
17 But I do know it's difficult to capture 7q10. So it would
18 be great if 7q10 showed up, and we missed the opportunity
19 for half the stations above the influence of VY, well, I
20 think that you can account for that in your analysis. But
21 again, that's not my field.

22 MS. GRADER: I believe -- Isn't the way the
23 study plan is worded that -- so it's a one-year study. But
24 if in that study year it was a wet year, then that you would
25 -- the study would be repeated --

1 -- in that additional study year. And

2 hopefully that would be a drier year. But --

3 UNIDENTIFIED PARTICIPANT: Or vice-versa.

4 MS. GRADER: But I don't -- I mean the chances
5 of catching 7q10 type, you know, probably wouldn't even
6 happen in a two-year study window. But the intent is not to
7 evaluate data that is --

8 MS. KENNEDY: Anomalous, right.

9 MS. GRADER: Yeah, anomalous. And I can't
10 remember what the specific -- It was does it have to within
11 the 27th to 75th percentile or what the exact wording was.
12 But I think that's the case, right?

13 MS. GRADER: So there would still be that
14 opportunity to collect data --

15 MR. RAGONESE: The post-license operation --

16 MS. GRADER: -- that's not representative
17 eventually. But I don't think it's meant to capture those
18 7q10 type of things that you're hoping to catch.

19 MR. FISK: So I'd just like to frame my
20 question so I understand that.

21 So by moving the study forward -- because again
22 part of the conversation we've had today is, well, all
23 right, moving forward we're bumping up against some other
24 internal deadlines. So do you still have two-year windows
25 to be able to capture a range of conditions by moving the

1 water quality study forward in time one year?

2 You still have that two-year window in order to
3 capture some anomalous --

4 MR. HOGAN: I think what I've said is, you
5 know, the Commission is interested in quality data to inform
6 its environmental analysis needs. If in 2015, because we've
7 shifted the schedule or because we shift the schedule for,
8 you know, limitation of the study in 2015, if there are
9 anomalous conditions in 2015, our -- just because we're up
10 against process schedules and license application filing
11 deadlines is not a reason for us not to collect the data
12 that we need to do our analysis. So, you know, 2016 is on
13 the table; 2017 may be on the table.

14 I'm just saying, you know, the data drives the
15 process first and our schedules come second.

16 MR. FISK: So just to -- I don't want to drive
17 this on forever and ever. So let me flip it back.

18 If in 2014 it appears to be that we could see
19 7q10 conditions -- which I think is interesting to be able
20 to look for - is there an opportunity to capture those at
21 stations not subject to the influence of VY?

22 MR. HOGAN: If we were to capture 7q10
23 conditions, that would be justification for doing another
24 year of study.

25 MS. KENNEDY: So -- This is Katie Kennedy.

1 So the purpose of the study is not to have
2 interesting information. I mean you've got to write that
3 off at the beginning that the point is not -- this is not
4 just for the sake of science. Otherwise I think you all
5 would be doing all these studies in two years if our purpose
6 was to get as much information as we could because everybody
7 would like to know what the difference is before and after
8 VY.

9 But that's not -- unfortunately, from a
10 scientific point of view, that's not the purpose of these
11 studies. So we're not looking for interesting conditions.
12 We're looking for normal conditions, I think.

13 MR. HOGAN: Andy, I will say --

14 MR. FISK: But the study plans reference 7q10.
15 And I'm not looking for -- to analyze the effect of VY.

16 What I'm doing is trying to figure out, if we
17 get an appropriate condition of the river that informs the
18 water quality monitoring strategy in 2014, can we take
19 advantage of that? Or is the difficulty in the study design
20 such that splitting apart the stations, grabbing data about
21 the river at stations above VY, if that's going to just do
22 too much violence to the study, that's fine.

23 MR. HOGAN: I think part of the problem is
24 you're saying, 'If we get conditions in 2014.' Those
25 decisions need to be made -- if we were going to monitor for

1 2014, we'd have to be monitoring now and awaiting to
2 determine whether those conditions are going to represent
3 themselves to the deployment of the equipment to collect the
4 water quality. You probably wouldn't capture anything.

5 So I guess at this point what I'm saying, Andy,
6 is it you want to file a letter with the Commission and ask
7 for this modification that it be done in 2014 and 2015, or
8 if that's your recommendation on the record, you know, we'll
9 take that back and consider it. But I don't think you're
10 going to get agreement from TransCanada.

11 I'm not going to tell you right now, 'yeah,
12 that's a great idea.' I mean we're looking at what the
13 study plan was. Does it make sense to move it or not as a
14 result of the VY decommissioning.

15 Our record is always open. And, you know, if
16 you feel strongly that you'd like to see the data collected
17 in both years because of the VY decommissioning, then, you
18 know --

19 MR. FISK: Okay.

20 MR. HOGAN: -- I believe - - .

21 John.

22 MR. BENNETT: John --

23 MR. HOGAN: Hold on. We're going to get you a
24 mike.

25 MR. BENNETT: John Bennett with Windham

1 Regional Commission.

2 I actually wanted to just return briefly to the
3 first point Andy raised about the ice and --

4 MR. DEAN: Excuse me. I can't hear any of this
5 conversation.

6 MR. HOGAN: All right.

7 Come on up, John.

8 MR. BENNETT: I just wanted to return to the
9 issue that Andy raised first about the ice. And John
10 responded that they had contemplated addressing it in
11 studies one, two and three. But I don't see anything in the
12 methodology there specifying it.

13 And we're not looking to bring it up anyplace
14 else except for Vernon pool and downstream so it's not a
15 huge tweak to anything that you're doing. But there isn't
16 any methodology that I saw in the study proposals to deal
17 with the ice.

18 MR. RAGONESE: I guess what I was trying to say
19 is that it's not specified to deal with ice caused by
20 Vermont Yankee because - - whatever -- The absence of having
21 VY is an effect of VY, in my opinion. But we have erosion
22 studies that's going 100-and-some-odd miles upstream on both
23 shorelines. And there is ice up there.

24 So it's not -- we're not limiting it to the
25 change that's occurring at VY. We're saying our study will

1 inevitably be looking at ice. We're not -- I'm not
2 interested in understanding what the changes caused by VY
3 are; I'm just interested in looking at the cause or the
4 effect that ice has.

5 MR. HOGAN: So that --

6 MR. RAGONESE: And that's inherently one
7 element of many --

8 MR. HOGAN: And the methodology above VY is the
9 same as being applied below VY.

10 MR. BENNETT: And I would just say that some of
11 us are interested in the changes that are happening from VY
12 and downstream of it as a result of the change in
13 conditions. And trying to coordinate what you may or may
14 not be doing or what FirstLight may or may not be doing with
15 ice seems to be a relevant concern.

16 How might we try to advance this interest? A
17 letter to you?

18 MR. HOGAN: Well, I think, John, we're not
19 interested in the change either. We're interested in
20 capturing the new baseline. And that's the whole intent of
21 these meetings is to identify when is it appropriate to
22 initiate the monitoring of whatever is to be monitored to
23 capture the new baseline as a result of Vermont Yankee's
24 decommissioning.

25 For TransCanada's studies for erosion, you

1 Water Quality Monitoring and Continuous Temperature
2 Monitoring, the recommendation there was to delay the study;
3 no modifications. And TransCanada felt that there might be
4 potential change in sampling method at the Vernon intake.
5 And I think it was generally agreed to, but TransCanada will
6 make a filing including some record of consultation to
7 address any changes that they suggest in number 6, Study 6.

8 MR. HOGAN: All agree?

9 (No response.)

10 MR. DEVINE: All right.

11 Seven, Aquatic Habitat Mapping. Much of that
12 is already done. It's ongoing. No delay suggested, so no
13 schedule change.

14 Study 8, Channel Morphology and Benthic Habitat
15 Study. No change in schedule; proceed in 2014.

16 Study 9, Instream Flow Study, no change in
17 schedule.

18 10, Fish Assemblage, delay to 2015.

19 11, American Eel Survey, delay to 2015.

20 12, Tessellated Darter Survey, delay to 2015.

21 13, Tributary and Backwater Area Fish Access
22 and Habitats Study, no delay proposed, but a possible
23 amendment to study plan related to temperature -- or the
24 temperature element of the study at Vernon site. And
25 TransCanada will circulate prior any suggested changes, will

1 circulate to stakeholders prior to filing with FERC.

2 MR. HOGAN: John, are you good on this piece?

3 MR. RAGONESE: Amendments -- if there's any
4 changes they'll all come together as one packet.

5 MR. DEAN: I did not hear that comment.

6 MR. RAGONESE: Yeah. We're going to try to
7 provide any amendments or suggested language or whatever --

8 MR. DEAN: Yes.

9 MR. RAGONESE: -- the two or three studies,
10 whatever it might be, in one package.

11 MS. WILL: Not just the temperature but the
12 water quality component of that, too.

13 MR. DEVINE: So Study 13, Tributary and
14 Backwater Area Fish Access and Habitats Study, no delay
15 proposed. So we'll proceed on the original schedule.

16 There's a possible amendment to the study plan
17 related to temperature and water quality components
18 specifically related to a study at the Vernon site. And
19 TransCanada will suggest changes or look at the potential
20 for changes and circulate any they might propose to
21 stakeholders prior to filing that with FERC.

22 14, Resident Fish Spawning in Impoundments
23 Study, delayed to 2015.

24 Study 15, Resident Fish Spawning in Riverine
25 Sections Study, delayed to 2015.

1 Study 16, Sea Lamprey Spawning Assessment,
2 delayed to 2015.

3 Study 17, Upstream Passage of Riverine Fish
4 Species Assessment, delayed to 2015.

5 Study 18, American Eel Upstream Passage
6 Assessment, agreed not to start in 2014, delayed at least to
7 2015.

8 TransCanada would like to consider a study
9 being done all in the 2015 year instead of 2015-2016. That
10 would potentially result in a change in study design if the
11 study were to be performed in one year. TransCanada wants
12 to take some time to consider if it's possible to conduct
13 that study in one year.

14 Okay?

15 MR. DEAN: And any amended changes would --
16 Sorry, this is David Dean.

17 Any amended changes or timing or whatever, that
18 would be circulated to the stakeholders in the consultation
19 process prior to implementation.

20 GROUP PARTICIPANTS: Yes.

21 MR. RAGONESE: Prior to filing with FERC, any
22 suggested changes.

23 (Group speaking)

24 MR. RAGONESE: I think we'll -- Yes. Yes,
25 David.

1 MR. DEVINE: Study 19, American Eel Downstream
2 Passage Assessment, delay the entire study to 2015, both the
3 High-Z tag and the telemetry components.

4 Study 20, American Eel Downstream Migration
5 Timing Assessment. That's a literature study. TransCanada
6 would like to delay that to 2015 so as to have the results
7 available from other studies to incorporate into that
8 literature study. So delayed to 2015.

9 Study 21, American Shad Telemetry Study at
10 Vernon, delayed to 2015.

11 Study 22, Downstream Migration of Juvenile
12 American Shad, delayed to 2015.

13 Study 23, Fish Impingement, Entrainment, and
14 Survival Study. That's already a -- Is that already a 2015
15 study report? -- delayed to the fall of 2015. This is where
16 we got into the discussion about the ISR -- initial study
17 report and updated study report schedules.

18 And TransCanada and FirstLight will look at
19 potential schedules for filing of those ISRs and USRs and
20 then coordinate between -- or with each other. And if they
21 are suggesting some changes to FERC, they'd file for
22 suggested changes to ISR and USR schedules.

23 MR. HOGAN: Yes.

24 MR. DEVINE: Study 24, Dwarf Wedgemussel and --
25 I won't even try the Latin name -- and Co-Occurring Mussel

1 Study. No change to that schedule.

2 Study 25, Dragonfly and Damselfly Inventory and
3 Assessment, delay to 2015.

4 New study, potentially: Vernon Acoustic Study,
5 which has not been -- which is a study that's before FERC.
6 And the agencies prefer that study to be done in 2015 if it
7 were to be agreed to by FERC. And the suggestion is to file
8 any updated comments prior to Christmas, either for -- in
9 favor of study or not in favor of the study.

10 I think that was it.

11 MS. WILL: Just to clarify, for the
12 hydroacoustic study as it's working it forward, we would
13 want it done post-NUI.

14 MR. DEVINE: 2015. The agencies would prefer
15 the study to be done in 2015 if it were to be agreed by
16 FERC.

17 MR. HOGAN: Okay.

18 So we did something a little bit different here
19 today than we did yesterday, where we kind of have these
20 allowed -- for two of the three studies - - minor
21 amendments that everybody kind of agreed to that would be
22 circulated. The third one is a little bit more complicated
23 probably on the American eel.

24 We had a similar situation with ice processes
25 and things of that nature.

1 Generally speaking, what I think may happen is,
2 you know, to the extent that there is a concurrence on how
3 to move forward with an amendment to a study, you know, you
4 want to get that in and get it filed pretty quickly. And
5 it's probably not going to be an issue at all as far as
6 process-wise.

7 But if there's a lack of concurrence, I -- and
8 I don't want to speak for, you know -- what I'm anticipating
9 is that there will probably be a comment period so that we
10 have -- to make sure that we have a full set of comments
11 regarding the concerns with the amendment or things of that
12 nature. So that may create a little more process for folks.

13 But that's what I'm anticipating. I've still
14 got to take it back to my supervisors. But I'm just letting
15 folks now, you know, that...

16 MR. RAGONESE: Don't look for it in your
17 stocking.

18 (Laughter.)

19 MR. HOGAN: So to the extent that we can -- the
20 sooner we have any amendments that you want to get and we
21 know where the issues are, where they aren't, we'll be able
22 to move more quickly on the process forward. So, you know,
23 time is helpful. I guess that I'd plan to have something
24 out in the next -- I'll say by Christmas as far as a process
25 moving forward. And so I'd like to have something before

1 then -- or by then.

2 It's not even Thanksgiving yet.

3 MR. RAGONESE: Could you give me five minutes?
4 There was maybe one other item we wanted to bring up while
5 we're here.

6 MR. HOGAN: Okay.

7 A five minute caucus-slash-bio break.

8 (Recess.)

9 MR. HOGAN: One thing clear to everybody, and
10 then we'll go back to John regarding whatever reason it was
11 for the caucus.

12 But what I plan to do is take the information
13 back to my management regarding the idea or concept of
14 filing amended studies by Christmas with stakeholder
15 comments before coming out with a process moving forward. I
16 may be told next week, 'No, you're going to write the
17 process of moving forward and issue it next week.'

18 So the hope is that we will, with the
19 information I provide them, they'll say, 'Okay, that seems
20 reasonable.' But I can't promise you that. So -- Okay?

21 John.

22 MR. RAGONESE: Okay.

23 Yeah. So there was something that we had run
24 across when we were sort of pulling together early effects
25 and which study should do what. And one of the -- Let's

1 see, what study is this. 19.

2 So under Study 19 in our current -- and so what
3 I'm -- the context of what I'm talking about here is a
4 potential need to revise our study plan a little more
5 relative to what we wrote down. And this is directly
6 related to sort of baseline change of baseline conditions.
7 So we had anticipated using the 2012 data and the 2011 data
8 to some extent, if it was --

9 Oh. Yeah. So we're talking about Adult Shad
10 Telemetry Study.

11 And so we had been participating in the last
12 year or two with the USGS to monitor shad coming up the
13 Connecticut River. The same thing -- FirstLight is doing
14 the same thing.

15 We are no longer interested in using that data
16 because of the change in baseline conditions that it was
17 collected under. We may still want to use the data for
18 potentially analyzing the mechanics of monitoring and the
19 fallback issues or where we might want to, you know, sample
20 size and the placement of receivers. But we don't think
21 it's appropriate to rely on that information as a comparable
22 for what we're looking at to collect in our 21,
23 unfortunately.

24 So right now we say things like, in our plan,
25 it is expected that once the 2012 data has been analyzed in

1 2013 and that data may contribute to existing information to
2 indicate the timing of shad. Well, it will, but it won't
3 necessarily be valid information.

4 So we initiated the review of that data. And
5 because of the concern over the data itself and the effort
6 it would take to try to look at that data and make some
7 sense of it, it's not even worth it because it's a different
8 baseline condition. So we're suggesting we don't want to do
9 that.

10 MR. HOGAN: Well, will that be an amendment to
11 the study plan you plan to file with the comments?

12 MR. RAGONESE: Sure.

13 MR. HOGAN: Okay.

14 Do folks have any concerns with that approach?

15 MS. GRADER: Was FirstLight, you're also --
16 you're evaluating that same data set separately, is that...?

17 MR. HOGAN: And how is FirstLight using that
18 data? I know this isn't your meeting. Are you using it to
19 --

20 MR. SULLIVAN: I think - - if you wanted to
21 evaluate their methods, you know, we had focused on the
22 baseline condition, you know, from our perspective. And we
23 would look at - - . License application, but - - .

24 MR. HOGAN: Well, we have a similar concern.
25 FirstLight will look at how they plan to use

1 the data from the USGS.

2 So in response to the question about how will
3 FirstLight be planning to utilize the USGS shad migration
4 data, telemetry data at their facilities, generally speaking
5 at it they will be looking at it for methodologies, for how
6 that data was collected. And they will also now take into
7 consideration any other proposed uses of that data beyond
8 that, given the VY decommissioning and the appropriateness
9 of that data.

10 Is that a fair assessment?

11 (Participant off mike.)

12 MR. HOGAN: The answer was yes.

13 So I think we've kind of covered the licensing
14 process schedule, you know, approaches forward, the next
15 steps.

16 Any questions before we convene the meeting?

17 (Laughter.)

18 MR. HOGAN: All right.

19 Well, thank you everybody. I appreciate all
20 the hard work and time. Have a great day.

21 UNIDENTIFIED PARTICIPANT: Enjoy the holiday.

22 MR. HOGAN: Yeah. And happy Thanksgiving.

23 (Whereupon, at 11:45 a.m., the Vermont Yankee
24 Technical Meeting was adjourned.)

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Document Content(s)

35327.DOC.....1-102

1126trans.TXT.....103-205