

Mystic Lake Hydroelectric Project
Whitewater Sub-Group
Meeting Summary
Teleconference
September 11, 2009

Participants:

PPL Montana – Jon Jourdonnais
PPL Montana – Brent Mabbott
PPL Montana – Frank Pickett
American Whitewater – Kevin Colburn
Beartooth Paddlers – Ron Ladders
Beartooth Paddlers – Ian McIntosh
American Lands – Bruce Bugbee
American Lands – Jeff Frost

The teleconference began at 2:00 PM.

Bruce opened the teleconference by referencing Ian's Aug. 20th email regarding 2009 releases, Nancy Johnson's Sept. 4th email with the revised draft protocol, and Ian's Sept. 8th email requesting a conference call to discuss issues.

Brent discussed why the Aug. 2nd release was cancelled because of rapidly diminishing streamflow and the problem of designing a protocol based on averages. He also discussed the sub-bullets added to the protocol, which modify weekend release prescriptions based on Friday gauge readings.

Ian expressed a desire to do be as confident as possible about releases, and said Friday is late notice for paddlers traveling farther than Billings. Ron noted that as we push notifications to a Friday the final draw of paddlers is much more limited.

Ian noted that the other substantive change to the protocol was to start releases later in the morning, and Ian and Ron affirmed that this was better for paddlers because boatable flows were occurring too early.

Ian said the protocol as presented in the Sept. 4th email from Nancy is acceptable to the paddling community with one remaining concern. Their concern involved the lack of assurance that the protocol would be followed in good faith by the dam operator. And although they felt confident that PPLM would honor the protocol, ownership of the dam could change hands and different owners might not uphold it as well. Ron noted that the dam operator could temporarily drop flow from the powerhouse at the time of the gauge readings, which would diminish releases required by the protocol. Paddlers would like a statement added to the protocol that would require the dam operator to apply good-faith efforts in following the intent of the protocol.

Bruce noted that the protocol process needs to be verifiable and a remedy needs to exist if paddlers have concerns about releases.

Jon affirmed there were checks and balances – gauge reading provide flow records, the whitewater resource group oversees the process, any new dam operator would be required to follow FERC license conditions, FERC audits compliance with license conditions, and there are

ongoing relationships with stakeholders. Jon explained that when FERC approves the protocol the licensee must uphold it because it will become a formal license requirement. Also, the plan is a “living document” and the working group will make adjustments as needed.

Ron stated it would be possible to comply with protocol, but by minor manipulation of flow at times of gauge readings, subvert its intent. He felt there should be a statement about good-faith efforts. He has fielded calls from paddlers about protocol manipulation concerns and assured paddlers of PPLM’s integrity and advised them not to be cynical, but they don’t have the positive, first-hand experience with PPLM that he and Ian have.

Brent explained that when Mystic Lake is spilling water, all outflow will be made available downstream regardless of powerhouse operation. Any reduction in flow below the powerhouse caused by cutting back on water flowing through the plant would be temporary because of resulting increases in flow in the bypass reach. The water will leave the lake one way or the other and the powerhouse operator cannot diminish flow for long.

Kevin wondered why a sentence couldn’t be added to the protocol saying the dam operator would not manipulate the flow, if such a statement would not negatively impact anything.

Jon explained it has been unnecessary in numerous other PPLM efforts involving flow or other license requirements to mention good faith efforts or operator integrity, and wondered about the precedent of doing so here.

Ron felt there should be an explicit statement about an obligation not to manipulate flow, even if such a manipulation would be detectable. Although a good-faith statement won’t change how compliance is measured, it would make it easier for the skeptical paddlers to believe the protocol would be followed, give them more recourse, and alleviate concerns about another dam operator.

Jon explained that not complying with license conditions would result in fines and penalties. Brent added that at the time of spill, the powerhouse is operating at full capacity and reducing flow to manipulate gauge readings would cost money in lost generation. Bruce questioned how this is different from other license requirements related to minimum streamflows, etc. which don’t include statements about good-faith efforts.

Jon said the issue of integrity hadn’t come up before, was not needed in other protocols, and won’t change PPLM’s compliance, but understands how it might be useful for working with the paddling community. He asked Ian and Ron to propose potential “good faith” language and said PPLM would consider adding the good-faith operations language to the protocol.

Ron said there could be a preliminary statement added to the protocol. Perhaps that under normal and routine operation of the powerhouse by the licensee, dam operations will not manipulate flow at times of gauge readings to preclude whitewater releases. Ron and Ian agreed to work on language and submit it soon for PPLM consideration. (Note: a suggested revision was developed and incorporated into the protocol Sept 14th).

Ian also noted that higher release flows would be appreciated at some times, but paddlers were generally pleased with how things worked this summer.

The call ended at 3:00 PM.