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UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION  
Office of Energy Projects

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Brainerd Public Utilities : Project No. 2533-061  
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BRAINERD HYDROELECTRIC PROJECT

Brainerd City Fire Department  
23 Laurel Street  
Brainerd, Minnesota 56401  
Wednesday, May 17, 2018

The public scoping session, pursuant to notice, opened  
at 6:00 p.m.

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

2 MR. ELY: I would like to officially welcome  
3 everyone to the scoping meeting for the Brainerd Project,  
4 the actual one and only meeting, because nobody showed up  
5 last night; but a lot of people here, so that's good. My  
6 name is Patrick Ely, and I'm with FERC, the Federal Energy  
7 Regulatory Commission. This is my second time in Minnesota;  
8 I was here a couple of years ago for the Otter Tail scoping  
9 meeting. And I do enjoy coming to Minnesota, because it's  
10 the only place where people know how to pronounce and spell  
11 my last name, thanks to Ely, Minnesota.

12 (Laughter)

13 All right. I'm a fisheries biologist by trade;  
14 I'm also the Project Coordinator. I am joined by one of my  
15 colleagues, Laura. If you will introduce yourself.

16 MS. WASHINGTON: Laura Washington, also with  
17 FERC. I am the cultural resources person on the Brainerd  
18 Project, and I am an environmental biologist at FERC.

19 MR. ELY: And we also have some representatives  
20 from Brainerd and Barr Engineering. If you guys could  
21 introduce yourselves, and give your job title, or what not.

22 MR. MAYMUSON: Scott Maymason, Superintendent of  
23 the utility, Brainerd Public Utility.

24 MR. WICKLUND: Todd Wicklund, Financial Director  
25 of Brainerd Public Utility.

1 MS. BRAUN: Adele Braun, Barr Engineering,  
2 Project Manager.

3 MS. HANSEN: Whitney Hansen with Barr  
4 Engineering. I'm a civil engineer.

5 MR. ELY: All right. Thank you.

6 Moving on, some housekeeping items first. In the  
7 back, we have the sign-up sheets. Basically we just want to  
8 know, get a count of who's here and what your name is.  
9 There are some boxes on there that say, written or oral  
10 testimony. You don't have to check those immediately; you  
11 can wait until the end if you decide you want to talk.

12 Also there's space for you to put your address if  
13 you're not already on the mailing list; but alternatively we  
14 also have the eSubscription service that you can put your  
15 e-mail in and documents will be sent to you as they're  
16 issued. So if you'd rather have that, we have these  
17 pamphlets in the back that I suggest everyone grabs;  
18 [contains] all that information about eSubscription,  
19 eFiling, how to sign up.

20 There's also a sheet with a bunch of dates on it;  
21 I suggest everyone grab that, too; we'll be discussing that  
22 throughout. We have a court reporter here, Dan Hawkins. He  
23 is an independent party, meaning he does not work for FERC  
24 or Brainerd, Barr Engineering or anybody else; he's going to  
25 write down basically everything that is said here, including

1 me stumbling over my own words. So it's kind of sad to go  
2 back and read up the transcript when you mess up stuff, but.  
3 He's here and he's going to be writing down all your  
4 comments and all our questions and all our back-and-forth.

5           Transcripts will be available later -- I'm not  
6 sure exactly how long they take -- but then those will be  
7 made as part of the public record. And I can talk about the  
8 public record and eLibrary with FERC a little later, but  
9 it's also in that pamphlet I hope everyone grabs, in the  
10 back.

11           So given that we've the court reporter here, when  
12 you speak, please state your name, affiliation, and if your  
13 name might be spelled a little weird or sound one way,  
14 spell it out including acronyms. Everyone who wishes to  
15 speak will have an opportunity to do so, and please speak  
16 clearly and one at a time. I don't think we'll have a  
17 problem with this group; it looks like a pretty professional  
18 group here.

19           Quick agenda. I am going to give just a little  
20 bit about FERC, not too much. Talk about the licensing  
21 process, what we're doing here. Purposes of scoping,  
22 requesting information and studies. Brainerd's going to  
23 give a presentation and then we're going to get into the  
24 heart of the resource issues which we identified in our  
25 scoping document; go over the important dates -- that sheet

1 in the back that has all the dates -- we're going to talk  
2 about how to stay informed and then we'll finish up with  
3 questions and comments.

4 A little bit about FERC. We're an independent  
5 federal agency that regulates interstate transmission of  
6 natural gas, oil, and electricity. So we're here for the  
7 electricity part. FERC is actually a semi, small government  
8 agency of about 1500 employees. In the office that I work,  
9 Office of Energy Projects, that includes hydropower and gas  
10 pipelines.

11 Focusing on the hydropower part of it. There are  
12 three separate divisions. We, Laura and I, are in the  
13 Division of Hydropower Licensing, so we're here going  
14 through the licensing process. There is the Division of  
15 Hydropower Administration and Compliance, so once you get a  
16 license, they make sure you're adhering to it. And then  
17 last -- but definitely not least -- is Dam Safety and  
18 Inspection. These are the guys that come up from Chicago  
19 and look for safety and structural issues at your projects.

20 FERC's authority comes from the Federal Power  
21 Act, and that basically makes us the balancing act who  
22 weighs power generation versus environmental issues. And  
23 that's not just like agency versus power: public input,  
24 tribes, SHPOs, all stakeholders. And so we have to weigh  
25 all that information in producing our documents.

1           So at the end of the day we know we've done our  
2 job right if no one's happy, basically. Licenses are issued  
3 for a term of 30 to 50 years. Brainerd's previous license,  
4 30 years, I think it expires in 2023, and that's why we're  
5 starting this process again, so they can get a new license.

6  
7           Speaking of licenses, we're using the Integrated  
8 Licensing Process. There are three licensing processes at  
9 FERC. I'm not going to really get into the other two; but  
10 the ILP is the default licensing process, and it's different  
11 in that FERC becomes involved at the very beginning stage.  
12 Other licensing processes, this beginning stage would be  
13 carried out just between like the power company and resource  
14 agencies; and they'd work it out and then get to the license  
15 application stage, and that's when we would come in. But  
16 with this, we come in at the very beginning and go through,  
17 step by step, to get to the application phase.

18           I'm just going to go through the three  
19 fundamental principles here of the Integrated Licensing  
20 Process -- and from now on I'm going to call it the ILP.  
21 Going to use a lot of acronyms so I may go overboard; so  
22 call me out if I start doing it too much, because it's like  
23 a second language.

24           So number one, early identification and  
25 resolution of studies; two, to integrate and tribal

1 permitting processing needs, including NEPA -- which is the  
2 National Environmental Policy Act -- Applicant's pre-filing  
3 computation and federal and state permitting needs, such as  
4 the 401 Water Quality Certificate and the Endangered Species  
5 Act. And it establishes time frames to complete these  
6 process steps -- which is that sheet of paper with dates,  
7 and it also has the steps, and what regulation goes with  
8 what.

9           Here's the ILP. Not complicated, right? Pretty  
10 simple, if you've got a second to get it? Real quick, this  
11 part up here, this is the pre-application phase. This is  
12 what we're kicking off right now. And so we go through  
13 multiple years of back and forth just to get to the point  
14 where Brainerd can apply for a license.

15           So I was thinking of an acronym, and it's kind of  
16 like applying for a job; and we're in the resume building  
17 process here. So then you're qualified to actually submit  
18 your application to get the job or license order.

19           And I'm going to break that down a little bit  
20 here. So the pre-filing, three to four years; we consult  
21 with interested parties on issues and studies -- this is a  
22 gathering information phase. Conducting the studies, then  
23 preparing the license application.

24           Post-filing; everything revolves around the  
25 application. Post-filing of the application. Seek comments

1 from interested parties, to prepare an environmental  
2 assessment or environmental impact statement depending on  
3 what, depending on various factors. Usually we do  
4 environmental assessments and we seek comments from resource  
5 agencies and the public, and all -- stakeholders. And then  
6 we weigh all the information in the record before coming to  
7 the decision of whether to license the project or not, or  
8 how to license the project.

9           So the initial steps of the pre-filing phase, the  
10 initial proposal and information document, this is also  
11 known as the pre-application document, or the PAD.  
12 Brainerd put that together, and that was filed at the end of  
13 February, and that kicked off this whole thing.

14           So if you look at your sheet with all the dates,  
15 the first thing. And from there, that's where everything  
16 goes. The purpose of the pre application document brings  
17 together all existing relevant and reasonably available  
18 information, provides the basis for identifying issues, data  
19 gaps and study needs, forms the foundation of future  
20 documents and the schedule for the ILP.

21           Now, this is what we're doing today: Scoping  
22 meeting, and just the scoping process in general. Purposes  
23 of scoping: to solicit public input and comments on the  
24 scoping document, or SD-1. The scoping document is a  
25 document that FERC issues after we look at the PAD. We take



1 the PAD and we do our own interpretation of what we think is  
2 important or not. And then we issue that, and that gives  
3 people opportunity to comment on that. I'm going to get to  
4 that next, but we're here to solicit input on a scoping  
5 document. And if you haven't read the scoping document,  
6 that's okay, because this presentation and their  
7 presentation, it's kind of like an overview of the actual  
8 scoping document and the PAD.

9           So back on this: Identify the issues associated  
10 with the proposed project, discuss existing conditions and  
11 potential information needs.

12           Purposes. We are here to get public input on the  
13 scoping document. What are the resource issues? The ones  
14 that we picked out are based off of what Brainerd provided  
15 in their PAD. Do you agree with what we did? And if you  
16 don't, this is the time where you put your comments together  
17 and you file them and you say, "We think this is an issue.  
18 You didn't address this." So yes, did we miss anything?  
19 And, is there any information that you can provide on  
20 potentially affected resources that we don't have, anything  
21 would help us?

22           For example, was there a study -- like a grad  
23 student, you just finished up that we would have no idea  
24 happened, that you guys might know of? Can't think of  
25 another example, but something like that, something that you

1 guys might have in your files, maybe previously, that's not  
2 available on the World Wide Web that we can't just Google  
3 for that you think would be helpful for providing a baseline  
4 environment for the project to describe that?

5           There are issues listed in the scoping document  
6 that you don't think need to be considered, stuff we might  
7 have over-interpreted? And we also want to know about any  
8 potential cumulative effects that should be analyzed. So,  
9 for example, are there any other things going on in the  
10 river near there that we don't know about yet, like is  
11 someone proposing to pull water out for irrigation, or is  
12 there a cooling water intake nearby that wasn't put in the  
13 PAD? Something that could affect say like the fish  
14 resource that would also be affected by the project, so that  
15 would add up, cumulative -- that's what we're looking for.

16           If there's something going on in the river nearby  
17 that we don't know about, we'd like to know. Let me get to  
18 the study plan development, and then I'm going to get into  
19 our request for information and then studies.

20           Request information and studies. A lot of these  
21 points I'm reading are in the scoping document; just to let  
22 you know. Information that may help define geographic and  
23 temporal scope, the analysis that identifies the substantial  
24 environmental issues. Any data that would help to describe  
25 existing environment and effects of the project and other

1 developmental activities, environment, and socioeconomic  
2 resources. Identification of any federal, state or local  
3 resource plans and any future project proposals in the  
4 affected resource area. Documentation showing why any  
5 resources or identified issues should be excluded from  
6 further study or consideration. Study requests that would  
7 help provide a framework for collecting pertinent  
8 information on the resources potentially affected by the  
9 project that will get into the study request criteria.

10 All this is also in the scoping document. Study  
11 request criteria: Describe goals and objectives of study  
12 proposal, explain relevant resource management goals,  
13 explain relevant public interest considerations, describe  
14 existing information need for additional information.

15 Again, I'm just reading through these; you don't  
16 have to like memorize these; they're all written down. I  
17 just need to go through them. Explain the nexus or  
18 connection between project operations, effects and how the  
19 study results would inform the development of license  
20 requirements.

21 This one is kind of important because you have to  
22 link it back to how the project operates or how they're  
23 proposing to operate. You know, some studies might be just  
24 interesting to have, interesting to know what's in the  
25 environment, but if it doesn't tie into what they're

1 proposing to do, they were probably going to reject the  
2 study, because it's just like an information-based study.

3           Now they can choose to do it if they want to; we  
4 can't stop them from that. But you have to tie it back to  
5 the project. Describe methodology and how it's consistent  
6 with accepted practice. Describe consideration level of  
7 effort and cost of study, and why a study is needed. I put  
8 the word 'alternative' in there; that's -- in the situation  
9 where one entity proposes a certain type of study and then  
10 you say "Hmm, I want that same information, but I think a  
11 different kind of study would be better." You have to  
12 describe it would be better, the level of effort involved,  
13 and the cost.

14           And then there is also a guide to requesting  
15 studies, and the criteria. I wish I'd brought copies of it,  
16 but if you Google FERC study plan, it's the first thing that  
17 came up, a PDF. And if you can't find it, I'd be happy to  
18 e-mail it to you, or perhaps to put it on Brainerd's site  
19 that they are putting documents on. But that really helps,  
20 because just going through these without examples, it can go  
21 over people's heads. Just reading it doesn't really hit  
22 home, what you're supposed to do. So the study guide helps;  
23 it's got examples, scenarios. And we'll try to get people  
24 copies of that.

25           So request for information and studies, getting

1 to dates: Comments on the scoping document and study  
2 requests are due on June 28, '18. It's very important; the  
3 ILP process is very deadline-driven, and if you file  
4 something late, there's a chance we can just toss it out.  
5 Now, we might not; but we have no obligation to actually  
6 look at it.

7           When you're going and you're actually filing all  
8 this information, and we'll talk about this -- but clearly  
9 identifying the project on the first page, and we prefer  
10 electronic filing, or you can also print out and mail a  
11 copy, and mail it in. There's information about this in  
12 that pamphlet and then there's also a separate pamphlet just  
13 on eFiling. So take those with you, please.

14           Once we come to a conclusion and get the study  
15 plan determination together, and the studies are conducted  
16 over a period of two to three years. And with that, I'm  
17 going to hand it over to Brainerd, and then I will be back  
18 up to dive into the resource topics that we identify in the  
19 scoping document.

20           MR. MAYMUSON: Thank you, Patrick, and Adele.

21           I'm Scott Maymuson, Superintendent of Brainerd  
22 Public Utilities. I'm here to talk about our relicensing  
23 project, our first one, probably our only one. Along with  
24 Adele, we've been working for the last four years since we  
25 purchased the dam, in construction project and now the

1 licensing project. It's been really good teamwork.

2 To talk a little bit about who we are, project  
3 overview, and then the last part we'll talk about the  
4 project website where all the information will be stored. I  
5 have myself, the Superintendent; Todd Wicklund is our  
6 Finance Director; we have a five member commission; William  
7 Wroolie is our 2018 president, and Dolly Matten is our vice  
8 president. They are very involved in the dam project, so  
9 good teamwork. And then again, Adele Braun; Whitney has  
10 assisted us with all the processes.

11 So Brainerd Public Utilities, we have electric,  
12 water, wastewater and all the hydro. This is a map of  
13 Brainerd. The green is our electric service territory, and  
14 if you can see the yellow line, that's the boundary of  
15 Brainerd. And that's pretty much the extent of our water  
16 distribution. And then we have -- we run the wastewater  
17 treatment plant that treats wastewater from Brainerd and the  
18 City of Baxter.

19 Like I mentioned before, we have an electric  
20 department, the hydro department. We have the water  
21 treatment and distribution, wastewater treatment, energy  
22 conservation; we team up with a firm from the cities to go  
23 around to businesses, to meet the one and a half percent  
24 goal set by the state. Then energy audits and assessments  
25 for businesses and for residential.

1           The hydro department, I mentioned earlier, 2014  
2 we purchased the dam from the paper mill, decided to sell  
3 after 100 years; they had one potential buyer that had no  
4 interest in the hydro plant, so Wasau Paper decided to sell  
5 them separately; that's when we purchased the hydro plant.

6           Here's a map of, the project location is up in  
7 the Northeast corner of Brainerd; shows Brainerd there and  
8 then to the west of us is the City of Baxter. Pretty much  
9 share a boundary, share a road. So the dam is actually in  
10 the city limits of Brainerd, on the Mississippi River.

11           Here's a view of the dam itself, looking  
12 downstream starting on the left side. The short left  
13 embankment, then the 256-foot long powerhouse; currently  
14 there are five turbines inside. We go north to a 78-foot  
15 long slide gate section with five slide gates, then heading  
16 west, 207-foot long Baskill gate section, two 87-foot gates  
17 and the piers. Then there's a 24-foot wide tainter gate,  
18 and then a west embankment that heads up the left side there  
19 to the north.

20           Total, in authorized installed capacity, the dam  
21 is 3,542 kW, 3.5 meg. We're getting about 2.8 - 3 megs out  
22 of it, with peak water conditions right now.

23           Here's a quick shot of our website. This is our  
24 new website we launched a couple months ago. In there is  
25 the hydro. If you go to our services, then under electric

1 and then hydro, a brief little spiel about the hydro dam  
2 itself, but then all the documents will be listed right  
3 here. We've got the NOI and the PAD are on there right  
4 now. So as Patrick mentioned, more stuff will be put on  
5 there. An easy spot to find it for you.

6 That's really all I had for my presentation.  
7 I'll hand it back over to Patrick.

8 MR. ELY: Okay. So the resource issues we  
9 identified for scoping: aquatic resources, terrestrial  
10 resources, threatened and endangered species, recreation and  
11 land use resources, and cultural resources. And I'll get  
12 into each one's specifics.

13 So aquatic resources, the effects of continued  
14 project operation on water quality; dissolved oxygen and  
15 water temperature, mainly downstream of the project; and  
16 effects of continued project operation on impingement,  
17 entrainment, and turbine-induced fish mortality, which is a  
18 very common thing we look at for a hydropower project.

19 Terrestrial resources, the effects of continued  
20 project operation and maintenance activities on riparian,  
21 littoral and wetland habitat and associated wildlife. For  
22 threatened and endangered species, the effects of project  
23 operation and maintenance. The federally threatened  
24 Northern Long-Eared Bat, and the endangered Grey Wolf.

25 For recreation and land use, adequacy of existing



1 rec facilities and public access at the project to meet  
2 current and future recreational demands, continuing with rec  
3 and land use. Effects of continued project operation on  
4 recreational reservoir levels; the effects of continued  
5 project operation and maintenance on land use within the  
6 project area.

7 Cultural resources; effects of continued project  
8 operation on properties that are included in or eligible for  
9 inclusion in the National Register of Historic Places.

10 Back to harping on the dates. Dates are very  
11 important. So your comments on the pre application document  
12 and our scoping document: June 28th. And then they are  
13 going to file their proposed study plan on August 12th; they  
14 have a meeting about a month later about their proposed  
15 study plan. And you have to file comments -- I'm not going  
16 to go into individual dates, but you can see the kind of  
17 pattern of it being about either 30 days or 45 days between  
18 when things are due.

19 Again, that sheet with all the dates is also in  
20 the scoping document at the very end.

21 How to stay informed. Get added to the mailing  
22 list which if you want paper mailing, you can fill out the  
23 form that you have here, now. Also, if you look at the  
24 pamphlet, you can figure out how to subscribe and just  
25 receive the e-mails. You can go into eLibrary, which is a

1 system that basically keeps track of everything we've ever  
2 issued or anything anybody has ever submitted for an  
3 individual project. It takes a little working out just to  
4 figure out how it works; but put the project number in  
5 there, it chooses the dates range or you can just choose  
6 all. Hit enter, and then everything is listed; and on the  
7 right there's links and it will download all the stuff. So  
8 it's a lot just to go back and see when things were issued  
9 or when people submitted various comments and such.

10 eSubscription, you can go to FERC.gov or you can  
11 contact me directly; my e-mail is my name @ ferc.gov. Or my  
12 phone number, it's up there. I kind of prefer e-mail so I  
13 can -- depending on the question, I can actually think about  
14 an answer instead of dancing around and saying "Oh, I'll get  
15 back to you."

16 And with that, I'll open it up for some comments  
17 or questions.

18 MS. COHN: My name is Charlotte Cohn, the last  
19 name is C O H N. I'm with the Minnesota Department of  
20 Natural Resources, and there are two other people in the  
21 room, also from the Department of Natural Resources. One is  
22 Heidi Lindgren, who is the area hydrologist for this area,  
23 and the other is Mike Duval. Lindgren is spelled L i n d g  
24 r e n, and Mike is the District Manager for our division,  
25 which is the Division of Ecological and Water Resources.

1           The Minnesota Department of Natural Resources,  
2 acronym DNR, under the FERC rules, is the Minnesota State  
3 resource agency. We have responsibility for a variety of  
4 natural resources and natural resource interests. The  
5 Department is also the Fish & Wildlife coordinating agency  
6 under the federal Fish & Wildlife Coordination Act.

7           I have some very general comments. We will be  
8 providing our comments in writing by the June 28th date. We  
9 will be looking at the completeness and adequacy of the Pre-  
10 Application Document and the scoping documents, and also may  
11 very well be proposing study reports according to the FERC  
12 criteria, that the Department feels are necessary in order  
13 to address the impact, the natural resources, and the  
14 impacts from this project.

15           The types of studies that we typically look at  
16 are instream flow methodology, fishery studies, wildlife  
17 studies. We note in the scoping document there are  
18 references to federally threatened and endangered species,  
19 but in Minnesota we will also be looking at state  
20 threatened, endangered and special concern species; fish  
21 passage, and the importance of recreational development  
22 opportunities that are either there or might be provided.  
23 And I note that in the scoping documents there are little  
24 studies and plans proposed; and in the pre-application  
25 document also there are little studies and plans being

1 proposed, and we may propose additional studies and plans.

2           In the area of fish entrainment and impingement,  
3 an aspect that we often are not in concurrence with,  
4 regarding project proposers -- and Patrick Ely knows this  
5 from previous comments the Department has made -- which is,  
6 we look beyond desktop analyses and like to see specific  
7 fisheries and entrainment and impingement studies done, not  
8 limited to desktop analysis. We have experience with some  
9 other desktop analysis examples in Minnesota that have been  
10 done, and we feel that the desktop analyses are typically  
11 not effective ways and not correct ways of looking at the  
12 issues, the important issues of fish entrainment and  
13 impingement.

14           And also I note that in connection with a  
15 different hydropower project, we recently requested for  
16 certain studies and plans of the Department to be accepted  
17 by the FERC, as studies, and I notice some of them were in  
18 the scoping document, and I haven't checked to see whether  
19 they are all of the ones that we asked and that FERC  
20 accepted as studies and plans.

21           Thank you, and I don't know if Mike or Heidi may  
22 have additional comments they'd like to make.

23           MR. DUVAL: Mike Duval, Minnesota DNR, District  
24 Manager as introduced. I just might add that we may comment  
25 on invasive species. The project creates backwater habitats

1 and pools where this could be a river system, so it creates  
2 a habitat area for invasive species, and evaluating; so that  
3 would be something we may address in our comments. That  
4 would be specific aquatic conditions.

5 MR. ELY: Just to point out, once we have  
6 received your comments, such as that -- it depends. We  
7 don't always issue a scoping document 2, but if you're  
8 pointing out new issues to look at, then we will likely  
9 issue another scoping document, and that can have comments  
10 on it, too. So then we lay out the issues again, so  
11 everyone is at least on the same page; I wouldn't say we're  
12 all on the same page, but at least you know what page we're  
13 on.

14 Anybody else?

15 We're all learning here together, I think. Like  
16 the Otter Tail project was my first ILP, too. So we're all  
17 kind of growing up together, and growing up there will be  
18 some growing pains. But I just want to say, you know,  
19 smoother sailing, seas to come.

20 I should say it was my personal first ILP; not  
21 FERC's first ILP. We've got people in our branch who have  
22 done this many times.

23 All right. I'm about to adjourn the meeting.

24 Any objections here?

25 No. Okay. I guess we will consider the meeting

1 adjourned.

2 [Whereupon, at 9:45 a.m., the scoping meeting

3 adjourned.]

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## 1 CERTIFICATE OF OFFICIAL REPORTER

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3 This is to certify that the attached proceeding  
4 before the FEDERAL ENERGY REGULATORY COMMISSION in the  
5 Matter of:

6 Name of Proceeding: Brainerd Hydroelectric  
7 Project

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15 Docket No.:

16 Place: Brainerd, Minnesota

17 Date: Thursday, May 17, 2018

18 were held as herein appears, and that this is the original  
19 transcript thereof for the file of the Federal Energy  
20 Regulatory Commission, and is a full correct transcription  
21 of the proceedings.

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Dan Hawkins

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Official Reporter

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UNITED STATES OF AMERICA

FEDERAL ENERGY REGULATORY COMMISSION

Office of Energy Projects

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Brainerd Public Utilities : Project No. 2533-061

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BRAINERD HYDROELECTRIC PROJECT

Brainerd City Fire Department  
23 Laurel Street  
Brainerd, Minnesota 56401  
Wednesday, May 17, 2018

The public scoping session, pursuant to notice, opened  
at 6:00 p.m.





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

2 MR. ELY: I would like to officially welcome  
3 everyone to the scoping meeting for the Brainerd Project,  
4 the actual one and only meeting, because nobody showed up  
5 last night; but a lot of people here, so that's good. My  
6 name is Patrick Ely, and I'm with FERC, the Federal Energy  
7 Regulatory Commission. This is my second time in  
Minnesota;

8 I was here a couple of years ago for the Otter Tail scoping  
9 meeting. And I do enjoy coming to Minnesota, because it's  
10 the only place where people know how to pronounce and spell  
11 my last name, thanks to Ely, Minnesota.

12 (Laughter)

13 All right. I'm a fisheries biologist by trade;  
14 I'm also the Project Coordinator. I am joined by one of my  
15 colleagues, Laura. If you will introduce yourself.

16 MS. WASHINGTON: Laura Washington, also with  
17 FERC. I am the cultural resources person on the Brainerd  
18 Project, and I am an environmental biologist at FERC.

19 MR. ELY: And we also have some representatives  
20 from Brainerd and Barr Engineering. If you guys could  
21 introduce yourselves, and give your job title, or what not.

22 MR. MAYMUSON: Scott Maymuson, Superintendent of  
23 the utility, Brainerd Public Utility.

24 MR. WICKLUND: Todd Wicklund, Financial Director  
25 of Brainerd Public Utility.



1 MS. BRAUN: Adele Braun, Barr Engineering,  
2 Project Manager.

3 MS. HANSEN: Whitney Hansen with Barr  
4 Engineering. I'm a civil engineer.

5 MR. ELY: All right. Thank you.

6 Moving on, some housekeeping items first. In the  
7 back, we have the sign-up sheets. Basically we just want  
to  
8 know, get a count of who's here and what your name is.  
9 There are some boxes on there that say, written or oral  
10 testimony. You don't have to check those immediately; you  
11 can wait until the end if you decide you want to talk.

12 Also there's space for you to put your address  
if  
13 you're not already on the mailing list; but alternatively  
we  
14 also have the eSubscription service that you can put your  
15 e-mail in and documents will be sent to you as they're  
16 issued. So if you'd rather have that, we have these  
17 pamphlets in the back that I suggest everyone grabs;  
18 [contains] all that information about eSubscription,  
19 eFiling, how to sign up.

20 There's also a sheet with a bunch of dates on  
it;  
21 I suggest everyone grab that, too; we'll be discussing that  
22 throughout. We have a court reporter here, Dan Hawkins.

He  
23 is an independent party, meaning he does not work for FERC

24 or Brainerd, Barr Engineering or anybody else; he's going  
to

25 write down basically everything that is said here,  
including

1 me stumbling over my own words. So it's kind of sad to go  
2 back and read up the transcript when you mess up stuff,  
but.

3 He's here and he's going to be writing down all your  
4 comments and all our questions and all our back-and-forth.

5 Transcripts will be available later -- I'm not  
6 sure exactly how long they take -- but then those will be  
7 made as part of the public record. And I can talk about  
the  
8 public record and eLibrary with FERC a little later, but  
9 it's also in that pamphlet I hope everyone grabs, in the  
10 back.

11 So given that we've the court reporter here,  
when  
12 you speak, please state your name, affiliation, and if your  
13 name might be spelled a little weird or sound one way,  
14 spell it out including acronyms. Everyone who wishes to  
15 speak will have an opportunity to do so, and please speak  
16 clearly and one at a time. I don't think we'll have a  
17 problem with this group; it looks like a pretty  
professional  
18 group here.

19 Quick agenda. I am going to give just a little  
20 bit about FERC, not too much. Talk about the licensing  
21 process, what we're doing here. Purposes of scoping,  
22 requesting information and studies. Brainerd's going to  
23 give a presentation and then we're going to get into the

24 heart of the resource issues which we identified in our

25 scoping document; go over the important dates -- that sheet

1 in the back that has all the dates -- we're going to talk  
2 about how to stay informed and then we'll finish up with  
3 questions and comments.

4 A little bit about FERC. We're an independent  
5 federal agency that regulates interstate transmission of  
6 natural gas, oil, and electricity. So we're here for the  
7 electricity part. FERC is actually a semi, small  
government  
8 agency of about 1500 employees. In the office that I work,  
9 Office of Energy Projects, that includes hydropower and gas  
10 pipelines.

11 Focusing on the hydropower part of it. There  
are  
12 three separate divisions. We, Laura and I, are in the  
13 Division of Hydropower Licensing, so we're here going  
14 through the licensing process. There is the Division of  
15 Hydropower Administration and Compliance, so once you get a  
16 license, they make sure you're adhering to it. And then  
17 last -- but definitely not least -- is Dam Safety and  
18 Inspection. These are the guys that come up from Chicago  
19 and look for safety and structural issues at your projects.

20 FERC's authority comes from the Federal Power  
21 Act, and that basically makes us the balancing act who  
22 weighs power generation versus environmental issues. And  
23 that's not just like agency versus power: public input,  
24 tribes, SHPOs, all stakeholders. And so we have to weigh



25 all that information in producing our documents.

1                   So at the end of the day we know we've done our  
2 job right if no one's happy, basically. Licenses are  
issued  
3 for a term of 30 to 50 years. Brainerd's previous license,  
4 30 years, I think it expires in 2023, and that's why we're  
5 starting this process again, so they can get a new license.

6  
7                   Speaking of licenses, we're using the Integrated  
8 Licensing Process. There are three licensing processes at  
9 FERC. I'm not going to really get into the other two; but  
10 the ILP is the default licensing process, and it's  
different  
11 in that FERC becomes involved at the very beginning stage.  
12 Other licensing processes, this beginning stage would be  
13 carried out just between like the power company and  
resource  
14 agencies; and they'd work it out and then get to the  
license  
15 application stage, and that's when we would come in. But  
16 with this, we come in at the very beginning and go through,  
17 step by step, to get to the application phase.

18                   I'm just going to go through the three  
19 fundamental principles here of the Integrated Licensing  
20 Process -- and from now on I'm going to call it the ILP.  
21 Going to use a lot of acronyms so I may go overboard; so  
22 call me out if I start doing it too much, because it's like  
23 a second language.

24                   So number one, early identification and  
25    resolution of studies; two, to integrate and tribal

Species

1 permitting processing needs, including NEPA -- which is the  
2 National Environmental Policy Act -- Applicant's pre-filing  
3 computation and federal and state permitting needs, such as  
4 the 401 Water Quality Certificate and the Endangered  
5 Act. And it establishes time frames to complete these  
6 process steps -- which is that sheet of paper with dates,  
7 and it also has the steps, and what regulation goes with  
8 what.

9           Here's the ILP. Not complicated, right? Pretty  
10 simple, if you've got a second to get it? Real quick, this  
11 part up here, this is the pre-application phase. This is  
12 what we're kicking off right now. And so we go through  
13 multiple years of back and forth just to get to the point  
14 where Brainerd can apply for a license.

15           So I was thinking of an acronym, and it's kind  
16 of like applying for a job; and we're in the resume building  
17 process here. So then you're qualified to actually submit  
18 your application to get the job or license order.

19           And I'm going to break that down a little bit  
20 here. So the pre-filing, three to four years; we consult  
21 with interested parties on issues and studies -- this is a  
22 gathering information phase. Conducting the studies, then  
23 preparing the license application.

24           Post-filing; everything revolves around the

25 application. Post-filing of the application. Seek comments

1 from interested parties, to prepare an environmental  
2 assessment or environmental impact statement depending on  
3 what, depending on various factors. Usually we do  
4 environmental assessments and we seek comments from  
resource  
5 agencies and the public, and all -- stakeholders. And then  
6 we weigh all the information in the record before coming to  
7 the decision of whether to license the project or not, or  
8 how to license the project.

9           So the initial steps of the pre-filing phase,  
the  
10 initial proposal and information document, this is also  
11 known as the pre-application document, or the PAD.  
12 Brainerd put that together, and that was filed at the end  
of  
13 February, and that kicked off this whole thing.

14           So if you look at your sheet with all the dates,  
15 the first thing. And from there, that's where everything  
16 goes. The purpose of the pre application document brings  
17 together all existing relevant and reasonably available  
18 information, provides the basis for identifying issues,  
data  
19 gaps and study needs, forms the foundation of future  
20 documents and the schedule for the ILP.

21           Now, this is what we're doing today: Scoping  
22 meeting, and just the scoping process in general. Purposes  
23 of scoping: to solicit public input and comments on the

24 scoping document, or SD-1. The scoping document is a  
25 document that FERC issues after we look at the PAD. We  
take

is 1 the PAD and we do our own interpretation of what we think  
2 important or not. And then we issue that, and that gives  
3 people opportunity to comment on that. I'm going to get to  
4 that next, but we're here to solicit input on a scoping  
5 document. And if you haven't read the scoping document,  
6 that's okay, because this presentation and their  
7 presentation, it's kind of like an overview of the actual  
8 scoping document and the PAD.

9 So back on this: Identify the issues associated  
10 with the proposed project, discuss existing conditions and  
11 potential information needs.

12 Purposes. We are here to get public input on  
the 13 scoping document. What are the resource issues? The ones  
14 that we picked out are based off of what Brainerd provided  
15 in their PAD. Do you agree with what we did? And if you  
16 don't, this is the time where you put your comments  
together 17 and you file them and you say, "We think this is an issue.  
18 You didn't address this." So yes, did we miss anything?  
19 And, is there any information that you can provide on  
20 potentially affected resources that we don't have, anything  
21 would help us?

22 For example, was there a study -- like a grad  
23 student, you just finished up that we would have no idea  
24 happened, that you guys might know of? Can't think of



25 another example, but something like that, something that  
you

1 guys might have in your files, maybe previously, that's not  
2 available on the World Wide Web that we can't just Google  
3 for that you think would be helpful for providing a  
baseline  
4 environment for the project to describe that?

5           There are issues listed in the scoping document  
6 that you don't think need to be considered, stuff we might  
7 have over-interpreted? And we also want to know about any  
8 potential cumulative effects that should be analyzed. So,  
9 for example, are there any other things going on in the  
10 river near there that we don't know about yet, like is  
11 someone proposing to pull water out for irrigation, or is  
12 there a cooling water intake nearby that wasn't put in the  
13 PAD? Something that could affect say like the fish  
14 resource that would also be affected by the project, so  
that  
15 would add up, cumulative -- that's what we're looking for.

16           If there's something going on in the river  
nearby  
17 that we don't know about, we'd like to know. Let me get to  
18 the study plan development, and then I'm going to get into  
19 our request for information and then studies.

20           Request information and studies. A lot of these  
21 points I'm reading are in the scoping document; just to let  
22 you know. Information that may help define geographic and  
23 temporal scope, the analysis that identifies the  
substantial

24 environmental issues. Any data that would help to describe  
25 existing environment and effects of the project and other

1 developmental activities, environment, and socioeconomic  
2 resources. Identification of any federal, state or local  
3 resource plans and any future project proposals in the  
4 affected resource area. Documentation showing why any  
5 resources or identified issues should be excluded from  
6 further study or consideration. Study requests that would  
7 help provide a framework for collecting pertinent  
8 information on the resources potentially affected by the  
9 project that will get into the study request criteria.

10 All this is also in the scoping document. Study  
11 request criteria: Describe goals and objectives of study  
12 proposal, explain relevant resource management goals,  
13 explain relevant public interest considerations, describe  
14 existing information need for additional information.

15 Again, I'm just reading through these; you don't  
16 have to like memorize these; they're all written down. I  
17 just need to go through them. Explain the nexus or  
18 connection between project operations, effects and how the  
19 study results would inform the development of license  
20 requirements.

21 This one is kind of important because you have  
to  
22 link it back to how the project operates or how they're  
23 proposing to operate. You know, some studies might be just  
24 interesting to have, interesting to know what's in the  
25 environment, but if it doesn't tie into what they're



1 proposing to do, they were probably going to reject the  
2 study, because it's just like an information-based study.

3           Now they can choose to do it if they want to; we  
4 can't stop them from that. But you have to tie it back to  
5 the project. Describe methodology and how it's consistent  
6 with accepted practice. Describe consideration level of  
7 effort and cost of study, and why a study is needed. I put  
8 the word 'alternative' in there; that's -- in the situation  
9 where one entity proposes a certain type of study and then  
10 you say "Hmm, I want that same information, but I think a  
11 different kind of study would be better." You have to  
12 describe it would be better, the level of effort involved,  
13 and the cost.

14           And then there is also a guide to requesting  
15 studies, and the criteria. I wish I'd brought copies of  
it,  
16 but if you Google FERC study plan, it's the first thing  
that  
17 came up, a PDF. And if you can't find it, I'd be happy to  
18 e-mail it to you, or perhaps to put it on Brainerd's site  
19 that they are putting documents on. But that really helps,  
20 because just going through these without examples, it can  
go  
21 over people's heads. Just reading it doesn't really hit  
22 home, what you're supposed to do. So the study guide  
helps;  
23 it's got examples, scenarios. And we'll try to get people

24 copies of that.

25 So request for information and studies, getting

1 to dates: Comments on the scoping document and study  
2 requests are due on June 28, '18. It's very important; the  
3 ILP process is very deadline-driven, and if you file  
4 something late, there's a chance we can just toss it out.  
5 Now, we might not; but we have no obligation to actually  
6 look at it.

7           When you're going and you're actually filing all  
8 this information, and we'll talk about this -- but clearly  
9 identifying the project on the first page, and we prefer  
10 electronic filing, or you can also print out and mail a  
11 copy, and mail it in. There's information about this in  
12 that pamphlet and then there's also a separate pamphlet  
just  
13 on eFiling. So take those with you, please.

14           Once we come to a conclusion and get the study  
15 plan determination together, and the studies are conducted  
16 over a period of two to three years. And with that, I'm  
17 going to hand it over to Brainerd, and then I will be back  
18 up to dive into the resource topics that we identify in the  
19 scoping document.

20           MR. MAYMUSON: Thank you, Patrick, and Adele.

21           I'm Scott Maymuson, Superintendent of Brainerd  
22 Public Utilities. I'm here to talk about our relicensing  
23 project, our first one, probably our only one. Along with  
24 Adele, we've been working for the last four years since we  
25 purchased the dam, in construction project and now the





1 licensing project. It's been really good teamwork.

2 To talk a little bit about who we are, project  
3 overview, and then the last part we'll talk about the  
4 project website where all the information will be stored.

I

5 have myself, the Superintendent; Todd Wicklund is our  
6 Finance Director; we have a five member commission; William  
7 Wroolie is our 2018 president, and Dolly Matten is our vice  
8 president. They are very involved in the dam project, so  
9 good teamwork. And then again, Adele Braun; Whitney has  
10 assisted us with all the processes.

11 So Brainerd Public Utilities, we have electric,  
12 water, wastewater and all the hydro. This is a map of  
13 Brainerd. The green is our electric service territory, and  
14 if you can see the yellow line, that's the boundary of  
15 Brainerd. And that's pretty much the extent of our water  
16 distribution. And then we have -- we run the wastewater  
17 treatment plant that treats wastewater from Brainerd and  
18 City of Baxter.

the

19 Like I mentioned before, we have an electric  
20 department, the hydro department. We have the water  
21 treatment and distribution, wastewater treatment, energy  
22 conservation; we team up with a firm from the cities to go  
23 around to businesses, to meet the one and a half percent  
24 goal set by the state. Then energy audits and assessments

25 for businesses and for residential.

1           The hydro department, I mentioned earlier, 2014  
2 we purchased the dam from the paper mill, decided to sell  
3 after 100 years; they had one potential buyer that had no  
4 interest in the hydro plant, so Wasau Paper decided to sell  
5 them separately; that's when we purchased the hydro plant.

6           Here's a map of, the project location is up in  
7 the Northeast corner of Brainerd; shows Brainerd there and  
8 then to the west of us is the City of Baxter. Pretty much  
9 share a boundary, share a road. So the dam is actually in  
10 the city limits of Brainerd, on the Mississippi River.

11           Here's a view of the dam itself, looking  
12 downstream starting on the left side. The short left  
13 embankment, then the 256-foot long powerhouse; currently  
14 there are five turbines inside. We go north to a 78-foot  
15 long slide gate section with five slide gates, then heading  
16 west, 207-foot long Baskill gate section, two 87-foot gates  
17 and the piers. Then there's a 24-foot wide tainter gate,  
18 and then a west embankment that heads up the left side  
there  
19 to the north.

20           Total, in authorized installed capacity, the dam  
21 is 3,542 kW, 3.5 meg. We're getting about 2.8 - 3 megs  
out  
22 of it, with peak water conditions right now.

23           Here's a quick shot of our website. This is  
our  
24 new website we launched a couple months ago. In there is

25 the hydro. If you go to our services, then under electric

1 and then hydro, a brief little spiel about the hydro dam  
2 itself, but then all the documents will be listed right  
3 here. We've got the NOI and the PAD are on there right  
4 now. So as Patrick mentioned, more stuff will be put on  
5 there. An easy spot to find it for you.

6 That's really all I had for my presentation.  
7 I'll hand it back over to Patrick.

8 MR. ELY: Okay. So the resource issues we  
9 identified for scoping: aquatic resources, terrestrial  
10 resources, threatened and endangered species, recreation

and

11 land use resources, and cultural resources. And I'll get  
12 into each one's specifics.

13 So aquatic resources, the effects of continued  
14 project operation on water quality; dissolved oxygen and  
15 water temperature, mainly downstream of the project; and  
16 effects of continued project operation on impingement,  
17 entrainment, and turbine-induced fish mortality, which is a  
18 very common thing we look at for a hydropower project.

19 Terrestrial resources, the effects of continued  
20 project operation and maintenance activities on riparian,  
21 littoral and wetland habitat and associated wildlife. For  
22 threatened and endangered species, the effects of project  
23 operation and maintenance. The federally threatened  
24 Northern Long-Eared Bat, and the endangered Grey Wolf.

25  
existing

For recreation and land use, adequacy of

1 rec facilities and public access at the project to meet  
2 current and future recreational demands, continuing with  
rec  
3 and land use. Effects of continued project operation on  
4 recreational reservoir levels; the effects of continued  
5 project operation and maintenance on land use within the  
6 project area.

7 Cultural resources; effects of continued project  
8 operation on properties that are included in or eligible  
for  
9 inclusion in the National Register of Historic Places.

10 Back to harping on the dates. Dates are very  
11 important. So your comments on the pre application  
document  
12 and our scoping document: June 28th. And then they are  
13 going to file their proposed study plan on August 12th;  
they  
14 have a meeting about a month later about their proposed  
15 study plan. And you have to file comments -- I'm not going  
16 to go into individual dates, but you can see the kind of  
17 pattern of it being about either 30 days or 45 days between  
18 when things are due.

19 Again, that sheet with all the dates is also in  
20 the scoping document at the very end.

21 How to stay informed. Get added to the mailing  
22 list which if you want paper mailing, you can fill out the  
23 form that you have here, now. Also, if you look at the



24 pamphlet, you can figure out how to subscribe and just

25 receive the e-mails. You can go into eLibrary, which is a

1 system that basically keeps track of everything we've ever  
2 issued or anything anybody has ever submitted for an  
3 individual project. It takes a little working out just to  
4 figure out how it works; but put the project number in  
5 there, it chooses the dates range or you can just choose  
6 all. Hit enter, and then everything is listed; and on the  
7 right there's links and it will download all the stuff.

So

8 it's a lot just to go back and see when things were issued  
9 or when people submitted various comments and such.

10 eSubscription, you can go to FERC.gov or you can

11 contact me directly; my e-mail is my name @ ferc.gov. Or  
my

12 phone number, it's up there. I kind of prefer e-mail so I

13 can -- depending on the question, I can actually think  
about

14 an answer instead of dancing around and saying "Oh, I'll

get

15 back to you."

16 And with that, I'll open it up for some comments

17 or questions.

18 MS. COHN: My name is Charlotte Cohn, the last

19 name is C O H N. I'm with the Minnesota Department of

20 Natural Resources, and there are two other people in the

21 room, also from the Department of Natural Resources. One  
is

22 Heidi Lindgren, who is the area hydrologist for this area,

23 and the other is Mike Duval. Lindgren is spelled L i n d g

24 r e n, and Mike is the District Manager for our division,  
25 which is the Division of Ecological and Water Resources.

1           The Minnesota Department of Natural Resources,  
2 acronym DNR, under the FERC rules, is the Minnesota State  
3 resource agency. We have responsibility for a variety of  
4 natural resources and natural resource interests. The  
5 Department is also the Fish & Wildlife coordinating agency  
6 under the federal Fish & Wildlife Coordination Act.

7           I have some very general comments. We will be  
8 providing our comments in writing by the June 28th date.

We

9 will be looking at the completeness and adequacy of the

Pre-

10 Application Document and the scoping documents, and also

may

11 very well be proposing study reports according to the FERC  
12 criteria, that the Department feels are necessary in order  
13 to address the impact, the natural resources, and the  
14 impacts from this project.

15           The types of studies that we typically look at  
16 are instream flow methodology, fishery studies, wildlife  
17 studies. We note in the scoping document there are  
18 references to federally threatened and endangered species,  
19 but in Minnesota we will also be looking at state  
20 threatened, endangered and special concern species; fish  
21 passage, and the importance of recreational development  
22 opportunities that are either there or might be provided.  
23 And I note that in the scoping documents there are little  
24 studies and plans proposed; and in the pre-application

25 document also there are little studies and plans being

1 proposed, and we may propose additional studies and plans.

2           In the area of fish entrainment and impingement,  
3 an aspect that we often are not in concurrence with,  
4 regarding project proposers -- and Patrick Ely knows this  
5 from previous comments the Department has made -- which is,  
6 we look beyond desktop analyses and like to see specific  
7 fisheries and entrainment and impingement studies done, not  
8 limited to desktop analysis. We have experience with some  
9 other desktop analysis examples in Minnesota that have been  
10 done, and we feel that the desktop analyses are typically  
11 not effective ways and not correct ways of looking at the  
12 issues, the important issues of fish entrainment and  
13 impingement.

14           And also I note that in connection with a  
15 different hydropower project, we recently requested for  
16 certain studies and plans of the Department to be accepted  
17 by the FERC, as studies, and I notice some of them were in  
18 the scoping document, and I haven't checked to see whether  
19 they are all of the ones that we asked and that FERC  
20 accepted as studies and plans.

21           Thank you, and I don't know if Mike or Heidi may  
22 have additional comments they'd like to make.

23           MR. DUVAL: Mike Duval, Minnesota DNR, District  
24 Manager as introduced. I just might add that we may

comment

25 on invasive species. The project creates backwater  
habitats

1 and pools where this could be a river system, so it creates  
2 a habitat area for invasive species, and evaluating; so  
that  
3 would be something we may address in our comments. That  
4 would be specific aquatic conditions.

5 MR. ELY: Just to point out, once we have  
6 received your comments, such as that -- it depends. We  
7 don't always issue a scoping document 2, but if you're  
8 pointing out new issues to look at, then we will likely  
9 issue another scoping document, and that can have comments  
10 on it, too. So then we lay out the issues again, so  
11 everyone is at least on the same page; I wouldn't say we're  
12 all on the same page, but at least you know what page we're  
13 on.

14 Anybody else?

15 We're all learning here together, I think. Like  
16 the Otter Tail project was my first ILP, too. So we're all  
17 kind of growing up together, and growing up there will be  
18 some growing pains. But I just want to say, you know,  
19 smoother sailing, seas to come.

20 I should say it was my personal first ILP; not  
21 FERC's first ILP. We've got people in our branch who have  
22 done this many times.

23 All right. I'm about to adjourn the meeting.  
24 Any objections here?

25 No. Okay. I guess we will consider the meeting





1 adjourned.

2 [Whereupon, at 9:45 a.m., the scoping meeting  
3 adjourned.]

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1 CERTIFICATE OF OFFICIAL REPORTER

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3 This is to certify that the attached proceeding  
4 before the FEDERAL ENERGY REGULATORY COMMISSION in the  
5 Matter of:

6 Name of Proceeding: Brainerd Hydroelectric  
7 Project

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15 Docket No.:

16 Place: Brainerd, Minnesota

17 Date: Thursday, May 17, 2018

18 were held as herein appears, and that this is the original  
19 transcript thereof for the file of the Federal Energy  
20 Regulatory Commission, and is a full correct transcription  
21 of the proceedings.

22

23

24 Dan Hawkins

25 Official Reporter





Document Content(s)

051718Brainerd.DOCX.....	1-23
051718Brainerd.TXT.....	24-70