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PANOCHE VALLEY SOLAR FARM
ENVIRONMENTAL IMPACT STATEMENT
PUBLIC SCOPING MEETING

DATE: Tuesday, August 21, 2012
TIME: 6:30 P.M.
PLACE: Panoche School, 31441 Panoche Road
Paicines, California 95043
REPORTER: Lisa R. Maker
CSR License No. 7631

TRI-COUNTY COURT REPORTING
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A P P E A R A N C E S

CAMERON JOHNSON, JANE HICKS & KATERINA
GALACATOS, U.S. Army Corps of Engineers.

ERIC CHERNISS, JOHN PIMENTEL & DANIELLE CRAIG,
PV2 Energy.

DOUG COOPER & CHRIS DIEL, U.S. Fish and
Wildlife Service.

MEREDITH ZACCHERIO, AMY CORDLE & JOHN KING,
EMPSi.

Public: KIM WILLIAMS, RICHARD WILLIAMS, BOB
MENDEZ, CLAUDIA KABLE, RANI DOUGLAS, DON DOUGLAS,
COLLETTE CASSIDY, AL DEMARTINI, KATE WOODS, ROBERT
MENDEZ & LARRY LOPEZ.

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PUBLIC SPEAKERS

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25

	<u>PAGE</u>
DONALD DOUGLAS	27, 36
RANI DOUGLAS	27
CLAUDIA KABLE	29
KATE WOODS	31
COLLETTE CASSIDY	32, 35
AL DEMARTINI	34

1 PAICINES, CALIFORNIA

AUGUST 21, 2012

2 6:30 P.M.

3 PROCEEDINGS

4
5 MR. JOHNSON: Hi, guys. My name is Cameron
6 Johnson. I'm with the United States Army Corps of
7 Engineers, and I want to thank everyone for coming to
8 listen to what we have to say. What we're going to do
9 is kind of go through kind of the Federal Government
10 Corps of Engineers role in the proposed project and have
11 a chance to listen to some of the descriptions of the
12 project from the project proponent and then we're going
13 to have to chance listen to what some of you have to say
14 regarding the project.

15 A couple things to note, we have a court
16 reporter here tonight. The point of the meeting tonight
17 is to hear from members of the public, and I know that
18 some folks are very comfortable standing up and speaking
19 and some folks aren't. And there are multiple ways that
20 you can provide your input. Tonight if would you like
21 to speak, you will be allowed to do so. If you would
22 rather do so in writing, we also have comment cards and
23 as I go through this, you'll see there will be
24 additional points in the process of taking a look at the
25 project like this where the public is invited to provide

1 input. So if you don't have anything to say or anything
2 to add tonight, you will have additional opportunities
3 as this process goes through.

4 Let me go through a couple of things. Just
5 quickly the schedule, the first thing I want to do is a
6 quick round of introductions. I know that the folks who
7 live here are the public and you probably don't know the
8 rest of us. So I would like to take an opportunity
9 really quickly to have the folks who are not residents
10 to introduce themselves. Again, my name is Cameron
11 Johnson. I'm the South Branch Chief with the regulatory
12 division of the Corps of Engineers.

13 MS. HICKS: I'm Jane Hicks, with the regulatory
14 division in San Francisco of the U.S. Army Corps of
15 Engineers.

16 MS. GALACATOS: I'm Katerina Galacatos, Project
17 Manager also with the San Francisco District US Army
18 Corps of Engineers.

19 MR. CHERNISS: I'm Eric Cherniss. I am part of
20 the development team for Panoche Valley Solar.

21 MR. PIMENTEL: John Pimentel also with Panoche
22 Valley Solar.

23 MR. COOPER: I'm Doug Cooper with US Fish and
24 Wildlife Service. I'm the Deputy Assistant Field
25 Supervisor overseeing the area including San Benito

1 County.

2 MR. DIEEL: Chris Diel, Fish and Wildlife
3 Services Biologist.

4 MR. JOHNSON: Meredith.

5 MS. ZACCHERIO: I'm Meredith Zaccherio. I'm
6 with EMPSi and they are helping NEPA Process to help
7 prepare the EIS.

8 MS. CORDLE: I'm Amy Cordle with EMPSi. I am
9 the project manager.

10 MR. KING: I'm John King with EMPSi. I'm the
11 project manager.

12 MR. JOHNSON: Introduce yourself.

13 MS. CRAIG: I'm Danielle Craig with PV2,
14 Intern.

15 MR. JOHNSON: Thank you. Okay, so the first
16 part of this is I'm going to give you kind of a brief
17 description on the Corps of Engineers, who we are, why
18 we're involved in this and what our role is and then
19 we'll turn it over, let the applicant provide a brief
20 presentation as well as the project that's being
21 proposed. We'll wrap it up with the public comment part
22 of anybody who would like to speak may do so.

23 Really quickly with regard to the public
24 comment, this portion of this public part of it is
25 designed for you to comment to the Corps of Engineers as

1 the lead federal agency. We are looking forward to
2 hearing what you have to say. It's not intended to be a
3 question and answer back and forth type of scenario.
4 It's you providing us with input, and we're taking down
5 that information and we use that information as we go
6 through the decision-making process.

7 After the presentations are all over and
8 everybody has had a chance to speak, my intention is to
9 have everybody stick around for a little bit so if you
10 do have questions you can grab us and ask those
11 questions, and we can answer them. However, if you want
12 questions that actually are part of the public record,
13 you need speak or you need to provide those in writing,
14 okay, so you can grab a comment card, provide them in
15 writing or also in a comment period you send an E-mail
16 to Katerina Galacatos and provide that comment to us.
17 I'm not going to get used to this.

18 Okay, Who we are? The regulatory group of the
19 Corps of Engineers isn't the typical group of engineers
20 that folks usually think of. Usually when you think of
21 Army Corps of Engineers, you think of the folks out
22 there building levies. That's not who we are. The
23 regulatory group is responsible for implementation of
24 the Clean Water Act, National Environmental Policy Act
25 and the Rivers and Harbors Act for the most part.

1 Program goals, and these are the national
2 program goals, protect the aquatic environment,
3 regulatory efficiency, fair and reasonable, timely
4 decisions, no net loss of aquatic resources. This is
5 relatively technical stuff from my prospective but maybe
6 not from yours.

7 These are our authorities. Rivers and Harbor
8 Act. The Rivers and Harbor Act of 1899 essentially is
9 the law that started it all for the Corps of Engineers
10 in terms of regulations on the environmental front.
11 Basically based in navigations. For this project there
12 is no Rivers and Harbor Act concerns. We're not doing
13 any navigations.

14 Section 404 of the Clean Water Act, this is why
15 we're involved. The Clean Water Act of 1972 requires
16 that the Corps of Engineers regulate any placement of
17 any fill materials into anything that's regulated waters
18 of the United States.

19 Marine Protection Research Act. We're not
20 doing that in this situation here.

21 The limits of our jurisdiction. This to be
22 very straight forward. We're looking at around here
23 things that we consider to be waters of the United
24 States, creeks, rivers and ephemeral features that
25 around here it's relatively arid. Even though we've got

1 stuff that most people in the State of California --
2 most people can look at and say, yeah, that is wetlands.
3 Around here it's not quite as obvious. We have some
4 wetland features in this valley that don't kind of jump
5 out at you that are still regulated and we also have
6 creeks and rivers that only flow part of the year that
7 are also regulated. We look at those creeks and rivers
8 and we do a delimitation of what's called ordinary high
9 water marks. So we literally are going out in the field
10 with pencil and paper and map in hand and verifying
11 where the typical ordinary flow is in those ephemeral
12 features in any given year.

13 Wetland boundaries. Again in this area in this
14 part of the state a lot of these wetlands are very
15 ephemeral. So they'll be around -- they'll be pretty
16 clear during the winter months but not clear at all this
17 time of year. We take a look at those in terms of three
18 very basic criteria. We take a look at wetland soils.
19 We look at hydrology, and we take a look at plants, and
20 this is work that even though these things are
21 completely desiccated this time of the year, we still
22 take a look and evaluate and map them.

23 A typical slide, this is one nobody can argue
24 about. When folks look at this, that's a wetland.
25 Okay, so we've got a slough. We've got actually the San

1 Francisco Bay in the background, and we've got marshland
2 on either side. I like to use this as a starting point
3 because like I said this is a slide that nobody argues
4 about. Everybody can view this slide and say, yeah, I
5 can see ducks in there, right.

6 As far as the jurisdiction goes. We take a
7 look at Rivers and Harbor Act jurisdiction is associated
8 with a mean high water mark in navigable waters. So
9 something like this slough, basically it's title you're
10 taking a look at the center mean high water marks and
11 that's where the Rivers and Harbors Act jurisdiction
12 lies. That means as far as Rivers and Harbor Act goes
13 work in here would be regulated.

14 For the Clean Water Act, it actually goes
15 significantly further up the bank in many cases. And in
16 tide areas, it's associated with the high tide -- high
17 tide lines, okay. So for the Clean Water Act,
18 jurisdiction is significantly wider and it would run
19 significantly higher up slope. In addition to that if
20 you've got wetland areas that are showing those three
21 criteria that I talked about earlier soils, plants and
22 hydrology, even if they're outside that high tide line,
23 of course, we will regulate.

24 Okay, this is probably more what you guys are
25 used to seeing around here. So here we have a typical

1 arid site where you've got a feature that doesn't have
2 any water in it, but it does have clear bed and bank
3 conditions. We've got a clear bed and clear bank, and
4 we can go out and we can identify an ordinary high water
5 mark on that feature. So during the winter months, we
6 have water flowing through that thing and looks like
7 something everybody would agree creates this kind of
8 area like that. We would also regulate any place where
9 there are wetlands adjacent to it. So even though the
10 thing is completely desiccated, we can go out and
11 evaluate and figure out what kind of plants. We figure
12 out the hydrology. We can dig holes and figure out the
13 soil conditions that we need to regulate. So this is
14 what a map typically looks like associated with
15 something like when we're done. We do this on plane
16 view. So when we produce maps to determine what we're
17 regulating under the Clean Water Act, that's essentially
18 the map.

19 Okay, getting to the NEPA part. How does NEPA
20 work? I just switched laws on you. I've been talking
21 about Clean Water Act regulations is what the Corps of
22 Engineers does. Clean Water Act, if somebody applies
23 for a permit that's considered to be a federal
24 action. Any permit issued by the federal government is
25 an action. Because it's a federal action, we're

1 required by law to implement NEPA, National
2 Environmental Policy Act as well. And what NEPA does it
3 requires the federal agencies to take a look at a whole
4 bunch of public interest review factors. It requires
5 the federal agencies to take into account any input from
6 the public. And it also requires the federal agencies
7 to consult with one another. So prior to 1969, there
8 were a lot of instances where the federal government
9 actions were actually directly conflicting with one
10 another, and this forced the federal agencies to
11 actually start to -- start to talk to one another. In
12 this case for this project, the federal action is
13 whether to issue a Clean Water Act permit. I need to be
14 clear on that. What the Corps of Engineers is doing is
15 deciding to issue a Clean Water Act permit. We're not
16 making a decision on whether to issue a permit to build
17 a solar plant. Okay, so the Clean Water Act permit is
18 associated with those areas where they're going to
19 impact the Corps regulated ephemeral waters. So those
20 creeks that I showed you that are dry, we're looking at
21 those areas. Because this is regulated under NEPA,
22 we're also required to consult with other federal
23 agencies which means the scopes of analyses get bigger.
24 So because we're looking at the Corps of Engineers
25 permitting very limited area, if there are other

1 concerns by other federal agencies that means we start
2 to take a look at a bigger scope associated with the
3 project, that's why we're here. This is an important
4 piece. The Corps doesn't take an advocacy role. At the
5 end of the day, I'm not invested in the project. We're
6 supposed to take a look at all of the input, and we make
7 a decision on whether or not to issue a permit based on
8 the public interest review factors, okay.

9 Two major purposes, better informed decisions
10 and citizen involvement.

11 These are the laws. The National Environmental
12 Policy Act, the CEQA Regulations basically this was the
13 law, this was the information from the federal
14 government that said all you federal agencies need to
15 actually comply with the law, and this was the Corps of
16 Engineers version how we were going to comply with the
17 law. So those were just the citations.

18 These are some of the public interest review
19 factors. There is a part of the process we're taking a
20 look whether we're going to issue a permit because we
21 have an expanded scope. We're going to take a look at
22 all of these things and these aren't all of them. So
23 even though the Corps' got a small scope associated with
24 Clean Water Act, we're required by law to look at all
25 these additional public review factors. Some of these

1 things are going to be important, biological resources,
2 threatened endangered species, cultural resources,
3 geology and soils, environmental justice, noise, public
4 health and safety, traffic and this is where we're -- a
5 lot of these things are going to be reliant on public
6 input. Some of these things we can take a look at --
7 whoops, pardon me. We can do our own studies, and some
8 of these things a little more reliant on members of the
9 public to inform us, okay.

10 How does NEPA work? Okay, the Corps of
11 Engineers has different options in terms of taking a
12 look at how to process the permit, and these are things
13 kind of -- actually in reverse order. This is the
14 simplest version. We take a look at a project and say
15 this thing is excluded. This whole class of these
16 projects, whatever, we're taking a look at doesn't even
17 need NEPA review in categorically excluded projects.
18 This isn't one of them.

19 The next step, the in between step is an
20 environmental assessment where we're taking a look at
21 the project and we're making -- after we review all of
22 those public interest review factors, we make a
23 determination what's called a FONSI, a Finding Of No
24 Significant Impact, and we then turn around and issue a
25 permit. So if we review factors and none of them meet a

1 threshold of a significant impact then we can produce
2 that finding no significant impact and produce the
3 permit. The highest one here -- whoops, this thing is
4 going crazy. The highest thing in terms of analysis is
5 an Environmental Impact Statement. That's where we are
6 headed with the project. So what we're doing, we
7 decided the project is likely to have a significant
8 impact on one or more of those public interest review
9 factors, and we're going to take a look at this in terms
10 of doing an Environmental Impact Statement. An
11 Environmental Impact Statement is a document to produce
12 to inform the public. So we're requiring all the
13 information. We use that information in making a
14 determination on whether to issue a permit. An
15 Environmental Impact Statement is a disclosure document.

16 Where are we in the process? We're right at
17 the beginning. All right, Notice of Intent, that's the
18 first step. Notice of Intent basically is what it
19 sounds like. We send a notice out saying we intend to
20 produce. An Environmental Impact Statement goes to the
21 federal register. That was done on July 19th, thank
22 you.

23 The next step is where we are right now, public
24 scoping. This is where we take the initial run, having
25 folks provide us with input, so we're here. We're

1 requesting comments. We've got a 30 day scoping period.
2 You guys have 30 days to provide additional comments.
3 If you feel compelled to do so, we then go into the
4 production of the draft Environmental Impact Statement
5 or we're taking a look at the public interest review
6 factors. When the draft of the Environmental Impact
7 Statement is done, there is a second comment. So we
8 send out to make available to anybody who's interested
9 in reading it, the Environmental Impact Statement and
10 there's a second opportunity for folks to provide
11 comment there as well. In the draft, EIS, it shows
12 where we are in terms of decision making on all this
13 public interest, okay. The final EIS, that's after
14 review of everybody's comments, okay. We're identifying
15 what the preferred alternative is and then finally
16 there's a record of decision. Don't forget record of
17 decision is whether the Corps going to issue a permit to
18 fill.

19 NEPA review process, these are opportunities of
20 public involvement. So we're at the beginning. After
21 the comment period, after the final, you've got an
22 additional opportunity.

23 Where are we in this process? We've got an
24 application for a 404 permit, make a determination.
25 We're looking at an EIS analysis. We issued the notice

1 of intent. We're in the scoping. Comments of the
2 scoping period are due September 7th. Consider
3 comments, again preparation. The rest of it is just the
4 proposed scheduling. We're looking at the draft EIS,
5 spring of 2013; final summer, fall 2013. Record of
6 decision issued in the fall 2013.

7 How to provide comments? Again verbal comments
8 tonight, written comments tonight; written comments any
9 time between now and September 7th to this E-mail
10 address or if you want to go really old school write a
11 letter. You can do that as well and send it to Katerina
12 right there.

13 Additional information is actually a website
14 that the Corps' set up for this project specifically,
15 and it will track all the information we've got coming
16 in and where we are in the process and that is available
17 to anybody who wants to view it.

18 Okay, that's the end of me.

19 UNKNOWN WOMAN SPEAKER: Can we get that website
20 down?

21 MR. JOHNSON: Absolutely. The next part of
22 this, Eric Cherniss is going to provide a description of
23 the project. You need me to go back. He's going to
24 provide a description of the project, and then we'll
25 have an opportunity for everybody to speak. If you want

1 to -- if you have something you want to say verbally,
2 we'd ask that you fill out a comment card and provide it
3 -- who's going to take on the cards, Meredith?

4 MS. ZACCHERIO: Sure. Meredith will take them.

5 MR. JOHNSON: All right, Eric.

6 UNKNOWN FEMALE SPEAKER: Provide one more
7 screen for the addresses.

8 MR. JOHNSON: Is that it?

9 UNKNOWN FEMALE SPEAKER: Is that one e-mail?

10 MS. ZACCHERIO: The E-mail address are on the
11 comment cards that are available up front. Take one of
12 those.

13 MR. CHERNISS: Hi, everyone. I'm Eric
14 Cherniss. I work for PV2 Energy, and I'm with the
15 Panoche Valley Solar Farm.

16 Okay, so what we have here is just a lay out
17 when we went through the CEQA process with San Benito
18 County, and this was the layout that came back. This is
19 revised alternative A. We completed a CEQA process and
20 that project with all the mitigation measures and then
21 went in the federal process where we are at today.

22 Here are the 399 megawatt project which was
23 approved by San Benito County. You see the division
24 line running through. You can see Panoche Road actually
25 just south this is -- running the Southern part of the

1 project site, and you can see where the panel is moved
2 up. Panoche Valley is the Southeastern portion of San
3 Benito County just west of the Fresno County border.

4 Okay, a couple things that have happened
5 probably the last time since we had a public meeting.
6 The project has been contracted with Duke Energy and so
7 what we have here is you've got Duke Energy and what we
8 have here is Duke Energy the corporate and then the
9 project is a joint venture with Duke Energy Renewables
10 division on building wind and solar farms across the
11 U.S., not just in California or any one location.

12 So couple facts about Duke. Duke has about 7.1
13 millions customers, and their headquartered in
14 Charlotte, North Carolina, and they have been operating
15 for about a hundred and 50 years of service; Fortune 250
16 company. They have just under 30,000 employees; 58
17 gigawatts or 58,000 megawatts of energy, the parent
18 company is underneath it and they have around -- that's
19 the equivalent of a hundred billion dollars of actual
20 assets. So they own a bunch of stuff all over the U.S.
21 And this is the parent, so they did a merger with a
22 company called Progress Energy which is another utility
23 kind of ground together over time, and Duke Energy is at
24 the corporate level. What they have is a renewable
25 energy group which is not necessarily part of the same

1 group that delivers energy to customers. They go out
2 and they build and own energy projects whether it be the
3 renewable site solar like we talked about around the
4 U.S. So they're a wholly owned subsidiary of Duke
5 Energy and the folks own wind and solar PV projects.
6 They have 1.1 gigawatts of operating capacity and just
7 under another gigawatt which is being constructed right
8 now. So not quite as large as the whole portfolio but
9 they've been kind of moving the amount of generation
10 they have and focusing on renewables in the U.S. and
11 their stated goal of having three gigawatts of power and
12 renewals by 2015 built and constructed and generate
13 electricity. They've put in about three billion dollars
14 of capital since 2007. The majority of that has
15 actually been toward wind because of the way the
16 subsidies work the wind business is taking off and now
17 at the end of this year that ends. They're focusing
18 more on additional resources on solar.

19 And so I think, let me go historically Solargen
20 proposed this project and most people in the room
21 recognize the name Solargen. What happened is in 2011,
22 we have that Solargen -- so they were developing this
23 project. They had rights to certain land, and they had
24 a number of environmental surveys that were conducted
25 since 2009 timeframe and so PV2 Energy actually acquired

1 the assets of Solargen, continued developing the project
2 as a whole. And PV2 Energy did a joint venture, created
3 a separate company where PV2 Energy was part of it, and
4 Duke Energy Renewables was part of the company, and they
5 called that Panoche Valley Solar, LLC, so that's really
6 at this point in the process is the applicant and so
7 when you see this I want you to understand it's kind of
8 essentially the Solargen and Duke Energy, Solargen
9 called PV2. I apologize if that's a little bit
10 confusing. I want to make sure you understand the names
11 seem different, a lot of it is actually kind of the
12 same. And so you have 14 renewables, 14 operating wind
13 facilities and a number of -- 11 operating solar
14 facilities. We've got a couple in California on
15 hospitals -- roof tops of hospitals and other things and
16 PV2 and myself and John and some other people focus on
17 the development side in California.

18 Just quick overview. Site control, so this is
19 the footprint of the land that is controlled by the
20 project, approximately 26,000 acres, and you have about
21 2500 acres which will actually be utilized for the solar
22 farm itself and about 23,000 acres for mitigation for,
23 you know, equal amount 9.1 conservation for every acre
24 that is impacted on the solar facility, we'll put in
25 approximately nine acres aside for mitigation for

1 different activities. It is located in San Benito
2 County, California.

3 As far as the solar resources, everybody
4 realizes we have a very strong solar resource here. We
5 spent a little bit of time studying that, what generates
6 the electricity for us. It's about 90 percent of what
7 the Mojave Desert has from a natural solar resource.

8 As we all know, we're above the San Joaquin
9 Valley and we actually get significantly less fog here.
10 We don't get the valley fog but we also don't get the
11 coastal fog coming from the Hollister area and the
12 marine layer.

13 And transmission. One of the reasons why the
14 project was sited here, we are a little bit north of the
15 valley, Moss-Panoche and Coburn-Panoche transmission
16 lines coming through. So those lines actually originate
17 in Moss Landing and come all the way in the Panoche
18 substation to just on the other side of Highway 5 follow
19 out Panoche Road.

20 And permits, we had completed the CEQA
21 Environmental Impact Report process. We had the CEQA
22 signed by and a development agreement and Williamson Act
23 contracts that were canceled that were completed at the
24 end of 2010 with the County of San Benito.

25 These are things that don't necessarily pertain

1 to the federal process but we're in a public environment
2 and I wanted to get a chance to reiterate a number of
3 public benefits that have been enumerated by the
4 development agreement. So the project and the County of
5 San Benito have an agreement of how they're going to
6 interact with this project in going forward with the
7 life of the project. So one of the benefits hundreds of
8 construction jobs, priority hiring for San Benito County
9 residents, something that was import to the County Board
10 of Supervisors. Solar training in coordination with One
11 Stop Career Center which is over by the airport in
12 Hollister. An annual contribution to the San Benito
13 County general fund as per the development agreement.
14 So there's monetary benefit to the County of San Benito.

15 The Land Use Resource, 23,000 acres of
16 mitigation land. So 9.1 conservation to use mitigation
17 ratio. There's nine acres of land that's being set
18 aside permanently to cancel out that impact. We
19 conserved the Silver Creek Ranch which is right about
20 where the road starts to turn to a dirt road on Panoche,
21 on the east side and west of the side -- on the east
22 side of the road or Southern side of the road is the
23 Silver Creek Ranch abuts and BLM surrounds it on two
24 sides.

25 We did about 20,000 hours of environmental

1 surveys out in this valley. A lot of it was due to
2 biological resources, but we were also looking at
3 geological resources, drilling holes out there, trying
4 to understand not only what the solar was on the top but
5 as it goes down I think some people heard we had a pump
6 test where we were pumping the wells and trying to
7 stress the aquifer that was under the ground. If we
8 were to draw water out, how could we do that in a
9 sustainable fashion, and how could we do that in a way
10 where we don't impact the aquifer permanently? You have
11 to understand what happens in those two events.

12 Environment benefits. Enough power for 90,0000
13 average homes. We displaced 250,000 CO2 annually and
14 when you view this calculation; we're looking at a --
15 compared to natural gas, if you look at the pollution
16 that's produced by energy. You have coal at the top
17 which produces. California has done a pretty good job
18 when it comes to natural gas which is a cleaner resource
19 and solar is from an operational standpoint about as
20 clean as you can get. And so by going from natural gas
21 which is lower here to solar, we're saving 250,000 tons
22 of CO2 annually, equivalent to taking about 49,000 cars
23 taken off the road. And I guess one other point no
24 water is being used to generate electricity on this
25 project.

1 Relatively quickly is an estimated timeline of
2 the project. We started doing work in 2008 and 2009.
3 The project was proposed by Solargen. We've been going
4 through 2009 to 2013, going through the permitting
5 process and so we have the Environmental Impact Report
6 which was certified in 2010; and 2013, we expect an
7 interconnection agreement with California ISO. They're
8 the guys don't own the physical transition lines but
9 they operate how energy flows on those lines. So not
10 only do we need a permit for construction, we need a
11 permit to put our energy on. And then 2013, in the
12 construction time frame, we have to have a power
13 purchase agreement to sell the power to utilities that
14 will sell it back to residents and commercial cities and
15 this is when we expect in 2013 to have the job fairs and
16 2014, we expect to start construction. These are
17 estimated jobs before we start construction. Maybe
18 start construction at the end of '13, maybe at the
19 beginning of '14, it will be around that time frame
20 drive the execution on the exact time. And then 2016
21 on, we're going to have operations. It's one of the
22 reasons why we did a joint venture with Duke. Duke,
23 when they come into the project they're not part of the
24 development site or the construction cycle, they're also
25 part of the long-term ownership. They own 50 or a

1 hundred percent of their projects. They're the guys
2 that are going to be here for the long haul and so we
3 are spending a bunch of time with them recently in
4 Hollister and with the County Board of Supervisors
5 introducing them around and that's all I have slide
6 wise. Thank you.

7 MR. JOHNSON: Okay. So again guys, the
8 operation is an opportunity now for folks to have a
9 chance to make public comments. If you would like to do
10 so, please fill out a public comment card to Meredith.
11 Want to make public comments, we ask that you start with
12 your name and any affiliation you may have and you're
13 free to make comments. Again, it's not designed to be a
14 question and answer period. We need to be able to make
15 a clean record.

16 We will stay following public comments and
17 allow you guys to ask questions if you have them. With
18 that being said, I'm not trying to put anybody on the
19 spot or anything.

20 MS. ZACCHERIO: Comment cards. No one has
21 signed up to speak, a lot of question marks. People
22 who would like to speak --

23 MR. JOHNSON: Again, if you want to do
24 something in writing, feel more comfortable with that,
25 you're free to do that as well. Submit something to

1 Katerina by E-mail or tonight on a comment card in
2 writing if you want.

3 MR. DOUGLAS: I don't have to --

4 MR. JOHNSON: Can you state your name.

5 MR. DOUGLAS: I'm Donald Douglas. I own a
6 ranch right down here, and I train horses out in this
7 valley. I ride all through these hills. If you guys
8 look out there at some pristine lines, and it's good
9 soil, last one soil and if you cover it with solar
10 panels, it's going to be no good in 30 years. I guess
11 these guys aren't going to buy here to clean up. I'm
12 thinking 30 years down the road going to be a mess and
13 solar panels can be made in China. What good do they do
14 anybody if they're obsolete already? This is an insane
15 project. This is good soil. You don't want to cover it
16 up with solar panels. And same thing, mine that mercury
17 and left a mess behind, and I think that's what they're
18 going to do. There's already some land out there in the
19 valley. They already destroyed by solar, put it down
20 there. The lines are down there. Shouldn't be here.
21 That's my comment.

22 MR. JOHNSON: State your name.

23 MS. DOUGLAS: Rani Douglas, and I live on the
24 Douglas Ranch. And when Aspen Environmental was doing
25 the first studies, environmental studies, they were

1 asked to rush it as fast as possible, and I want to find
2 out what your time frame is and if you have any pressure
3 on you? What is a typical timeframe? It was supposed
4 to be a year or more for the project this size and they
5 rushed it through in nineties days. What is your time
6 frame and what's a typical timeframe on a project this
7 size?

8 MR. JOHNSON: Okay. We're not supposed to be
9 taking questions. I'm going to address it anyway. What
10 you're asking is not specific to the project policies
11 and our process. Typically with a project of this kind
12 of scale, the critical path is associated not usually
13 with the Corps of Engineers permit but with the agency
14 -- consultation of other agencies. So on a project of
15 this kind of scale, we're looking for a consultation
16 with the U.S. Fish and Wildlife Service and potential --
17 something on statements or preservation on statements on
18 this as well. We're not allowed to issue permits unless
19 those processes are done. So the U.S. Fish and Wildlife
20 has to issue a biological opinion. There needs to be a
21 companion permit from the Regional Water Quality Control
22 Board 401 certification also have to come in before
23 we're legally allowed to issue a permit. So the time
24 frame question is a big giant question mark. Some times
25 if those other things come in relatively quickly, then

1 we can turn around our permit decision relatively
2 quickly as well and sometimes it can take years. I
3 don't know because we're dependent on other agencies'
4 actions. Does that make sense?

5 Anybody else like to speak?

6 MS. KABLE: I would. This is what I have.

7 MR. JOHNSON: Your name.

8 MS. KABLE: My name is Claudia, last name Kale,
9 K-a-b-l-e and I live on Panoche Road, and I'm very, very
10 concerned about this project because of the amount of
11 traffic that it's going to bring to these roads which is
12 almost impassable now, very dangerous and treacherous
13 and not maintained. They're also not only not
14 maintained they also -- no proper road signs. You don't
15 know which way you're going when you're coming to a dirt
16 road at the end here, and my husband and I are getting
17 sick and tired of carloads of people coming to our place
18 saying how do I get here and how do I get there, and the
19 traffic has increased. I don't know why but it's a
20 little harrowing and I don't appreciate it.

21 I came here for the privacy and for scenery and
22 to do gardening and to live peacefully and have a place
23 for my grandchildren to come and spend -- learn about
24 the old west and these kinds of ways of living, and I
25 don't want a project to come here and disrupt my life,

1 my grandchildren's lives, the traffic in the valley.
2 Noise is going to be horrendous. I don't want to have
3 migraines which I get. I don't want the noise to bring
4 on migraine headaches. I'm concerned about the children
5 in this school having to put up with traffic and noise.

6 And I'm very concerned about my well, the
7 underground aquifer here is very sensitive, and I think
8 that anyone ditting with any water anywhere in this
9 valley has to be very closely monitored and regulated.
10 It's our life and without it we won't live. We won't be
11 here. We won't farm. We won't have any crops. We
12 won't have any animals and our wells are just so deep.
13 So anyone pulling water out of this aquifer is going to
14 be a big deal. And if this project is going to be
15 buying a lot of land in this valley, they're going to
16 have a lot of water under their feet, and I'm concerned
17 about their possible intension for the future for the
18 water in this valley. It's a big fear I have, not just
19 what they're going to be doing to the land, to the
20 animals that live on this land and the plants that grow
21 here, what are they going to do with the water when
22 let's just say solar energy becomes obsolete, their
23 panels go bad and they want to do something else.
24 They're going to own a lot of property, and they're
25 going to want to make money, and they're not going to

1 want to put cows on it to make that money. That's
2 another one of my concerns. I have a lot of concerns
3 and all of us who live here have a lot of concerns like
4 that which is why we don't want that project here.

5 This is a viable place to live and work and
6 earn a living or retire and it's going to be totally
7 disrupted, totally turned upside down from this project
8 and some people are saying how can we even continue to
9 live here alongside this project, this noise and cars
10 going up and down all over and people all over the place
11 and possible damage to the environment and that's my
12 comment.

13 MR. JOHNSON: Thank you. Anyone else? Yes.

14 MS. WOODS: I'm Kate Woods, and I live in New
15 Idria, about 25 miles away. I've been here about 32
16 years, and I live with the legacy, the filthy legacy, of
17 what New Idria Mining Company did to the San Carlos
18 Creek and all of our water up in New Idria and Vallecito
19 and how it's never been cleaned up. So I'm a little
20 fearful of this myself. The biggest thing I'm thinking
21 of right now I used to be an environmental and political
22 reporter around these parts for about a decade or so and
23 I'm just wondering why they picked Panoche Valley which
24 is such a stellar example of sustainable farming and
25 ranching at this point. Over the last 30 years, I've

1 seen it become like the best example of that in the
2 nation. Why can't they put this thing down in the trash
3 fields of Fresno? I mean I just don't understand why
4 they're going to take such perfect, pristine land and
5 make everybody suffer for this, but you know, I may be a
6 day late and dollar short with my comments and I guess
7 this thing is getting on the way, but those are my
8 concerns.

9 MR. JOHNSON: Thank you.

10 MS. CASSIDY: Here is my card.

11 MR. JOHNSON: Your name for the court reporter.

12 MS. CASSIDY: My name is Collette Cassidy. My
13 husband is Ron Garsly (phonetic) and I own a farm down
14 the road. We have a dairy of about a hundred 50 head of
15 cattle and I'm not really sure what the difference
16 between this meeting is and all the other meetings for
17 the other permits. I don't really see the point of Army
18 Corps of Engineers being involved and that may be my
19 naivety or I just don't see from jurisdiction that
20 there's any viable waterways here in the high desert
21 here. There are creeks when it rains which it doesn't
22 do very often, only occasionally. They certainly don't
23 become waterways so it kind of seems like a ruse but
24 maybe it's easier to get the project through with Army
25 Corps involved. I don't know, it seems like fish and

1 wildlife is more relevant as far as endanger species and
2 everything. But, you know, what I said in the other
3 meetings is that the real endangered species are the
4 farmers and ranchers in this valley that some of whom
5 are, you know, carrying on traditions that have been
6 around for a long time, and I think that this project
7 will have an impact on our business, you know,
8 particularly concerned about being downwind and all the
9 construction and you know, wind really blows through
10 here. So anything that's happening up valley is going
11 to be happening on our place, and so I don't really
12 know. We've been one of the main ones fighting the
13 project, you know, financially, energy wise, time wise,
14 and I suppose we'll continue to do so. We're not very
15 happy about it. You know, I mean we -- I agree with Don
16 Douglas, there are more appropriate places to have this
17 project. This is a pretty amazing valley. It's been
18 this way forever. Basically it's the same as it was a
19 hundred years ago, and they're not very many places
20 probably in the country where you can say that and
21 that's a valuable thing. You know, it's not just like
22 we don't want any change. We all know about change; but
23 yeah, there's some things that you don't want to change
24 that are worth preserving, and we think that the Panoche
25 Valley is one of them.

1 MR. JOHNSON: Okay, thank you. Anybody else?
2 Okay, we will stick around so -- did you want to say
3 something?

4 MR. DEMARTINI: Yeah, I think might as well.
5 I'm not really a resident, Al DeMartini. I'm a birder.
6 I couldn't make tomorrow's meeting so I was coming
7 through on my way to the Sierras. So my heart goes out
8 to the people who live here because I go up and down the
9 whole west coast, and there really isn't another place
10 like this that I'm aware of. I used to live in
11 Hollister, and I've birded here over the last 20 years
12 and I love the place both for its people and what they
13 do here and the wildlife. So I see it on both sides,
14 but I'll stick to what I know about the wildlife, 20,000
15 hours of surveys. Correct me if I'm wrong, I remember
16 it was a rush job and a lot of things were surveyed in
17 the wrong season. I don't know if fish and wildlife can
18 comment on that. The hours look more impressive than
19 the reality as I recollect. I think it really needs to
20 be gone over by all the agencies with as fine as tooth
21 comb as possible because of the various things that will
22 be affected, people, wildlife, uniqueness of the area.
23 Thank you.

24 MR. JOHNSON: Okay. We'll, stick around.
25 We're supposed to be around until 8:00 o'clock. My

1 intention is for us to be here until 8:00 o'clock in
2 case anybody else would like to talk. Again, if you
3 have any additional comments you want do in writing,
4 please do so. We're going to look at them.

5 MS. CASSIDY: Could I say one more thing?

6 MR. JOHNSON: Sure.

7 MS. CASSIDY: I don't know a lot about Duke
8 Energy but there was Duke Energy and then Duke Energy
9 Renewables, so I'm assuming that, you know, most of what
10 made them a really big company is coal, and I mean
11 that's what we get most of our energy from. You know, I
12 think that most of these solar projects wouldn't even be
13 happening if it wasn't for the politics and the
14 government money; and you know, and that's the only
15 thing that really makes it viable is the government
16 money and so I don't know. I mean just think about that
17 one. It's not -- it's not -- I mean I guess I think
18 Duke Energy is going to get a lot more bang for their
19 buck, not any solar. And this project would not be
20 happening unless Solargen was lining up for the
21 government handout.

22 I just want to add one more line to my thing.
23 I would be really surprised if anyone here were against
24 means of an alternative energy. I mean I know that I
25 feel that solar and wind and any other alternative

1 energy is very important in this nation. High time we
2 did it, this is just such the wrong way to do it in this
3 precious spot in this way. That's all I wanted to add.
4 Thanks.

5 UNKNOWN FEMALE SPEAKER: Are we going to ask
6 questions after the comment period?

7 MR. JOHNSON: You can stick around and ask
8 questions of me representing the Corps, Katerina, James,
9 Wildlife Service, the proponents of the project.

10 UNKNOWN FEMALE SPEAKER: Not as part of this?

11 MR. JOHNSON: No, because we had difficulty
12 with the recordation part of it. So if you want to ask
13 questions, that's fine; and if it triggers additional
14 comments, you can do those in writing as well. So
15 they'll get onto the record.

16 UNKNOWN FEMALE SPEAKER: If we want more
17 comments, add more things, we can do it in one E-mail
18 and one letter and list everything we want to say.

19 MR. JOHNSON: Yes, you can.

20 MR. DOUGLAS: One question as far as the Corps
21 of Engineers, if water goes into the site that they
22 plan, would they want to put panels there?

23 MR. JOHNSON: So --

24 MR. DOUGLAS: I've seen that whole valley
25 flooded for miles across one time.

1 MR. JOHNSON: So you're asking a question with
2 regard to the Corps jurisdiction?

3 MR. DOUGLAS: Is that your jurisdiction?

4 MR. JOHNSON: No, the jurisdiction is the
5 ordinary high water marks. The flood, we don't have in
6 terms of establishing that. It's the typical, what we
7 expect to see in a typical rainy season.

8 Okay. All right. Thank you very much folks.
9 And like I said, we'll be here if you have additional
10 stuff.

11 (Whereupon the record was closed at 7:30 p.m.)

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1 STATE OF CALIFORNIA)
) ss.
2 COUNTY OF MONTEREY)

3

4 I, LISA R. MAKER, Certified Shorthand Reporter of
5 the County of Monterey, State of California, do hereby
6 certify that the foregoing pages, 1 through 38, comprise
7 a full, true and correct transcription of my
8 stenographic notes in the aforementioned case of the
9 proceedings held on August 21, 2012.

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13 Dated this 21st day of September, 2012.

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LISA R. MAKER, CSR 7631

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'13 [1] - 25:18 '14 [1] - 25:19	34 [1] - 3:9 343 [1] - 1:21 35 [1] - 3:8 36 [1] - 3:4 38 [1] - 38:6 399 [1] - 18:22	acres [6] - 21:20, 21:21, 21:22, 21:25, 23:15, 23:17 Act [24] - 7:24, 7:25, 8:8, 8:12, 8:14, 8:15, 8:19, 10:7, 10:11, 10:12, 10:14, 10:17, 11:17, 11:21, 11:22, 12:2, 12:13, 12:15, 12:17, 13:12, 13:24, 22:22 action [4] - 11:24, 11:25, 12:12 actions [2] - 12:9, 29:4 activities [1] - 22:1 actual [1] - 19:19 add [4] - 5:2, 35:22, 36:3, 36:17 addition [1] - 10:19 additional [10] - 4:24, 5:2, 13:25, 16:2, 16:22, 17:13, 20:18, 35:3, 36:13, 37:9 address [3] - 17:10, 18:10, 28:9 addresses [1] - 18:7 adjacent [1] - 11:9 advocacy [1] - 13:4 affected [1] - 34:22 affiliation [1] - 26:12 mentioned [1] - 38:8 agencies [9] - 12:3, 12:5, 12:6, 12:10, 12:23, 13:1, 13:14, 28:14, 34:20 agencies' [1] - 29:3 agency [2] - 7:1, 28:13 ago [1] - 33:19 agree [2] - 11:7, 33:15 agreement [6] - 22:22, 23:4, 23:5, 23:13, 25:7, 25:13 airport [1] - 23:11 AL [2] - 2:15, 3:9 Al [1] - 34:5 allow [1] - 26:17 allowed [3] - 4:21, 28:18, 28:23 almost [1] - 29:12 alongside [1] - 31:9 alternative [4] - 16:15, 18:19, 35:24, 35:25 amazing [1] - 33:17 amount [3] - 20:9, 21:23, 29:10	Amy [1] - 6:8 AMY [1] - 2:10 analyses [1] - 12:23 analysis [2] - 15:4, 16:25 animals [2] - 30:12, 30:20 annual [1] - 23:12 annually [2] - 24:13, 24:22 answer [3] - 7:3, 7:11, 26:14 anyway [1] - 28:9 apologize [1] - 21:9 applicant [2] - 6:19, 21:6 application [1] - 16:24 applies [1] - 11:22 appreciate [1] - 29:20 appropriate [1] - 33:16 approved [1] - 18:23 aquatic [2] - 8:2, 8:4 aquifer [4] - 24:7, 24:10, 30:7, 30:13 area [6] - 5:25, 9:13, 11:8, 12:25, 22:11, 34:22 areas [4] - 10:16, 10:20, 12:18, 12:21 argue [1] - 9:23 argues [1] - 10:3 arid [2] - 8:25, 11:1 Army [7] - 2:5, 4:6, 5:14, 5:17, 7:21, 32:17, 32:24 aside [2] - 21:25, 23:18 Aspen [1] - 27:24 assessment [1] - 14:20 assets [2] - 19:20, 21:1 Assistant [1] - 5:24 associated [7] - 10:7, 10:16, 11:14, 12:18, 13:2, 13:23, 28:12 assuming [1] - 35:9 AUGUST [1] - 4:1 August [2] - 1:10, 38:9 authorities [1] - 8:7 available [3] - 16:8, 17:16, 18:11 average [1] - 24:13 aware [1] - 34:10	B background [1] - 10:1 bad [1] - 30:23 bang [1] - 35:18 bank [3] - 10:15, 11:2, 11:3 based [2] - 8:11, 13:7 basic [1] - 9:18 Bay [1] - 10:1 become [2] - 32:1, 32:23 becomes [1] - 30:22 bed [2] - 11:2, 11:3 beginning [3] - 15:17, 16:20, 25:19 behind [1] - 27:17 benefit [1] - 23:14 benefits [3] - 23:3, 23:7, 24:12 Benito [10] - 5:25, 18:17, 18:23, 19:3, 22:1, 22:24, 23:5, 23:8, 23:12, 23:14 best [1] - 32:1 better [1] - 13:9 between [3] - 14:19, 17:9, 32:16 big [4] - 28:24, 30:14, 30:18, 35:10 bigger [2] - 12:23, 13:2 biggest [1] - 31:20 billion [2] - 19:19, 20:13 biological [3] - 14:1, 24:2, 28:20 Biologist [1] - 6:3 birded [1] - 34:11 birder [1] - 34:5 bit [4] - 7:9, 21:9, 22:5, 22:14 BLM [1] - 23:23 blows [1] - 33:9 Board [3] - 23:9, 26:4, 28:22 BOB [1] - 2:13 border [1] - 19:3 boundaries [1] - 9:13 Branch [1] - 5:11 brief [2] - 6:16, 6:19 bring [2] - 29:11, 30:3 buck [1] - 35:19 build [2] - 12:16, 20:2
1	4			
1 [1] - 38:6 1.1 [1] - 20:6 11 [1] - 21:13 14 [2] - 21:12 1899 [1] - 8:8 1969 [1] - 12:7 1972 [1] - 8:15 19th [1] - 15:21	401 [1] - 28:22 404 [2] - 8:14, 16:24 49,000 [1] - 24:22			
2	5			
20 [1] - 34:11 20,000 [2] - 23:25, 34:14 2007 [1] - 20:14 2008 [1] - 25:2 2009 [3] - 20:25, 25:2, 25:4 2010 [2] - 22:24, 25:6 2011 [1] - 20:21 2012 [4] - 1:10, 4:1, 38:9, 38:13 2013 [7] - 17:5, 17:6, 25:4, 25:6, 25:11, 25:15 2014 [1] - 25:16 2015 [1] - 20:12 2016 [1] - 25:20 21 [3] - 1:10, 4:1, 38:9 21st [1] - 38:13 23,000 [2] - 21:22, 23:15 25 [1] - 31:15 250 [1] - 19:15 250,000 [2] - 24:13, 24:21 2500 [1] - 21:21 26,000 [1] - 21:20 27 [2] - 3:4, 3:5 29 [1] - 3:6	5 [1] - 22:18 50 [3] - 19:15, 25:25, 32:14 58 [1] - 19:16 58,000 [1] - 19:17			
	6			
	6:30 [2] - 1:11, 4:2			
	7			
	7.1 [1] - 19:12 757-6789 [1] - 1:22 7631 [2] - 1:14, 38:17 7:30 [1] - 37:11 7th [2] - 17:2, 17:9			
	8			
	831 [1] - 1:22 8:00 [2] - 34:25, 35:1			
	9			
	9.1 [2] - 21:23, 23:16 90 [1] - 22:6 90,000 [1] - 24:12 93901 [1] - 1:22 95043 [1] - 1:13			
3	A			
30 [5] - 16:1, 16:2, 27:10, 27:12, 31:25 30,000 [1] - 19:16 31 [1] - 3:7 31441 [1] - 1:12 32 [2] - 3:8, 31:15	able [1] - 26:14 absolutely [1] - 17:21 abuts [1] - 23:23 account [1] - 12:5 acquired [1] - 20:25 acre [1] - 21:23			

<p>building [2] - 7:22, 19:10 built [1] - 20:12 bunch [3] - 12:4, 19:20, 26:3 business [2] - 20:16, 33:7 buy [1] - 27:11 buying [1] - 30:15</p>	<p>certify [1] - 38:6 chance [5] - 4:11, 4:13, 7:8, 23:2, 26:9 change [3] - 33:22, 33:23 Charlotte [1] - 19:14 CHERNISS [3] - 2:6, 5:19, 18:13 Cherniss [3] - 5:19, 17:22, 18:14 Chief [1] - 5:11 children [1] - 30:4 China [1] - 27:13 CHRIS [1] - 2:8 Chris [1] - 6:2 citations [1] - 13:17 cities [1] - 25:14 citizen [1] - 13:10 class [1] - 14:15 CLAUDIA [2] - 2:14, 3:6 Claudia [1] - 29:8 Clean [12] - 7:24, 8:14, 8:15, 10:14, 10:17, 11:17, 11:21, 11:22, 12:13, 12:15, 12:17, 13:24 clean [3] - 24:20, 26:15, 27:11 cleaned [1] - 31:19 cleaner [1] - 24:18 clear [6] - 9:16, 11:2, 11:3, 12:14 closed [1] - 37:11 closely [1] - 30:9 CO2 [2] - 24:13, 24:22 coal [2] - 24:16, 35:10 coast [1] - 34:9 coastal [1] - 22:11 Coburn [1] - 22:15 Coburn-Panoche [1] - 22:15 Collette [1] - 32:12 COLLETTE [2] - 2:15, 3:8 comb [1] - 34:21 comfortable [2] - 4:18, 26:24 coming [7] - 4:7, 17:15, 22:11, 22:16, 29:15, 29:17, 34:6 comment [19] - 4:22, 6:21, 6:24, 6:25, 7:14, 7:15, 7:16, 16:7, 16:11, 16:21, 18:2, 18:11, 26:10, 26:20, 27:1, 27:21, 31:12, 34:18, 36:6</p>	<p>comments [17] - 16:1, 16:2, 16:14, 17:1, 17:3, 17:7, 17:8, 26:9, 26:11, 26:13, 26:16, 32:6, 35:3, 36:14, 36:17 commercial [1] - 25:14 companion [1] - 28:21 Company [1] - 31:17 company [6] - 19:16, 19:18, 19:22, 21:3, 21:4, 35:10 compared [1] - 24:15 compelled [1] - 16:3 completed [3] - 18:19, 22:20, 22:23 completely [2] - 9:21, 11:10 comply [2] - 13:15, 13:16 comprise [1] - 38:6 concerned [5] - 29:10, 30:4, 30:6, 30:16, 33:8 concerns [6] - 8:12, 13:1, 31:2, 31:3, 32:8 conditions [2] - 11:3, 11:13 conducted [1] - 20:24 conflicting [1] - 12:9 confusing [1] - 21:10 conservation [2] - 21:23, 23:16 conserved [1] - 23:19 consider [2] - 8:23, 17:2 considered [1] - 11:23 constructed [2] - 20:7, 20:12 construction [8] - 23:8, 25:10, 25:12, 25:16, 25:17, 25:18, 25:24, 33:9 consult [2] - 12:7, 12:22 consultation [2] - 28:14, 28:15 continue [2] - 31:8, 33:14 continued [1] - 21:1 contracted [1] - 19:6 contracts [1] - 22:23 contribution [1] - 23:12 control [1] - 21:18</p>	<p>Control [1] - 28:21 controlled [1] - 21:19 COOPER [2] - 2:8, 5:23 Cooper [1] - 5:23 coordination [1] - 23:10 Cordle [1] - 6:8 CORDLE [2] - 2:10, 6:8 corporate [2] - 19:8, 19:24 Corps [26] - 2:5, 4:6, 4:10, 5:12, 5:14, 5:18, 6:17, 6:25, 7:19, 7:21, 8:9, 8:16, 11:21, 12:14, 12:19, 12:24, 13:4, 13:15, 14:10, 16:17, 28:13, 32:18, 32:25, 36:8, 36:20, 37:2 Corps' [2] - 13:23, 17:14 correct [2] - 34:15, 38:7 country [1] - 33:20 County [14] - 6:1, 18:18, 18:23, 19:3, 22:2, 22:24, 23:4, 23:8, 23:9, 23:13, 23:14, 26:4, 38:5 COUNTY [2] - 1:21, 38:2 couple [5] - 4:15, 5:4, 19:4, 19:12, 21:14 course [1] - 10:23 COURT [1] - 1:21 court [2] - 4:15, 32:11 cover [2] - 27:9, 27:15 cows [1] - 31:1 Craig [1] - 6:13 CRAIG [2] - 2:6, 6:13 crazy [1] - 15:4 created [1] - 21:2 creates [1] - 11:7 Creek [3] - 23:19, 23:23, 31:18 creeks [5] - 8:24, 9:6, 9:7, 12:20, 32:21 criteria [2] - 9:18, 10:21 critical [1] - 28:12 crops [1] - 30:11 CSR [2] - 1:14, 38:17 cultural [1] - 14:2 customers [2] -</p>	<p>19:13, 20:1 cycle [1] - 25:24</p> <hr/> <p style="text-align: center;">D</p> <hr/> <p>dairy [1] - 32:14 damage [1] - 31:11 dangerous [1] - 29:12 DANIELLE [1] - 2:6 Danielle [1] - 6:13 DATE [1] - 1:10 Dated [1] - 38:13 days [2] - 16:2, 28:5 deal [1] - 30:14 decade [1] - 31:22 decided [1] - 15:7 deciding [1] - 12:15 decision [8] - 7:6, 12:16, 13:7, 16:12, 16:16, 16:17, 17:6, 29:1 decision-making [1] - 7:6 decisions [2] - 8:4, 13:9 deep [1] - 30:12 delimitation [1] - 9:8 delivers [1] - 20:1 DEMARTINI [3] - 2:15, 3:9, 34:4 DeMartini [1] - 34:5 dependent [1] - 29:3 Deputy [1] - 5:24 description [3] - 6:17, 17:22, 17:24 descriptions [1] - 4:11 Desert [1] - 22:7 desert [1] - 32:20 desiccated [2] - 9:21, 11:10 designed [2] - 6:25, 26:13 destroyed [1] - 27:19 determination [3] - 14:23, 15:14, 16:24 determine [1] - 11:16 developing [2] - 20:22, 21:1 development [6] - 5:20, 21:17, 22:22, 23:4, 23:13, 25:24 DIEL [2] - 2:8, 6:2 Diel [1] - 6:2 difference [1] - 32:15 different [3] - 14:11, 21:11, 22:1 difficulty [1] - 36:11</p>
--	--	--	--	---

<p>dig [1] - 11:12 directly [1] - 12:9 dirt [2] - 23:20, 29:15 disclosure [1] - 15:15 displaced [1] - 24:13 disrupt [1] - 29:25 disrupted [1] - 31:7 District [1] - 5:17 dittling [1] - 30:8 division [4] - 5:12, 5:14, 18:23, 19:10 document [2] - 15:11, 15:15 dollar [1] - 32:6 dollars [2] - 19:19, 20:13 DON [1] - 2:14 Don [1] - 33:15 dONALD [1] - 3:4 Donald [1] - 27:5 done [5] - 11:15, 15:21, 16:7, 24:17, 28:19 Doug [1] - 5:23 dOUG [1] - 2:8 DOUGLAS [10] - 2:14, 3:4, 3:5, 27:3, 27:5, 27:23, 36:20, 36:24, 37:3 Douglas [4] - 27:5, 27:23, 27:24, 33:16 down [12] - 7:4, 17:20, 24:5, 27:6, 27:12, 27:19, 27:20, 31:7, 31:10, 32:2, 32:13, 34:8 downwind [1] - 33:8 draft [4] - 16:4, 16:6, 16:11, 17:4 draw [1] - 24:8 drilling [1] - 24:3 drive [1] - 25:20 dry [1] - 12:20 ducks [1] - 10:5 due [2] - 17:2, 24:1 Duke [16] - 19:6, 19:7, 19:8, 19:9, 19:12, 19:23, 20:4, 21:4, 21:8, 25:22, 35:7, 35:8, 35:18 during [2] - 9:16, 11:5</p>	<p>e-mail [1] - 18:9 earn [1] - 31:6 easier [1] - 32:24 east [2] - 23:21 efficiency [1] - 8:3 EIS [5] - 6:7, 16:11, 16:13, 16:25, 17:4 either [1] - 10:2 electricity [3] - 20:13, 22:6, 24:24 employees [1] - 19:16 EMPSi [4] - 2:11, 6:6, 6:8, 6:10 end [6] - 13:5, 17:18, 20:17, 22:24, 25:18, 29:16 endanger [1] - 33:1 endangered [2] - 14:2, 33:3 ends [1] - 20:17 energy [12] - 19:17, 19:25, 20:1, 20:2, 24:16, 25:9, 25:11, 30:22, 33:13, 35:11, 35:24, 36:1 Energy [18] - 2:7, 18:14, 19:6, 19:7, 19:8, 19:9, 19:22, 19:23, 20:5, 20:25, 21:2, 21:3, 21:4, 21:8, 35:8, 35:18 engineers [1] - 7:19 Engineers [20] - 2:5, 4:7, 4:10, 5:12, 5:15, 5:18, 6:17, 6:25, 7:19, 7:21, 8:9, 8:16, 11:22, 12:14, 12:24, 13:16, 14:11, 28:13, 32:18, 36:21 enumerated [1] - 23:3 environment [4] - 8:2, 23:1, 24:12, 31:11 ENVIRONMENTAL [1] - 1:4 Environmental [14] - 7:24, 12:2, 13:11, 15:5, 15:10, 15:11, 15:15, 15:20, 16:4, 16:6, 16:9, 22:21, 25:5, 27:24 environmental [7] - 8:10, 14:3, 14:20, 20:24, 23:25, 27:25, 31:21 ephemeral [4] - 8:24, 9:11, 9:15, 12:19 equal [1] - 21:23</p>	<p>equivalent [2] - 19:19, 24:22 eRIC [1] - 2:6 Eric [4] - 5:19, 17:22, 18:5, 18:13 essentially [3] - 8:8, 11:17, 21:8 establishing [1] - 37:6 estimated [2] - 25:1, 25:17 evaluate [2] - 9:22, 11:11 events [1] - 24:11 exact [1] - 25:20 example [2] - 31:24, 32:1 excluded [2] - 14:15, 14:17 execution [1] - 25:20 expanded [1] - 13:21 expect [4] - 25:6, 25:15, 25:16, 37:7</p>	<p>13:1, 13:13, 13:14, 15:21, 18:21, 23:1 feet [1] - 30:16 FEMALE [5] - 18:6, 18:9, 36:5, 36:10, 36:16 field [1] - 9:9 Field [1] - 5:24 fields [1] - 32:3 fighting [1] - 33:12 figure [3] - 11:11, 11:12 fill [4] - 8:17, 16:18, 18:2, 26:10 filthy [1] - 31:16 final [3] - 16:13, 16:21, 17:5 finally [1] - 16:15 financially [1] - 33:13 fine [2] - 34:20, 36:13 first [4] - 5:5, 6:15, 15:18, 27:25 fish [2] - 32:25, 34:17 Fish [5] - 2:8, 5:23, 6:2, 28:16, 28:19 flood [1] - 37:5 flooded [1] - 36:25 flow [2] - 9:6, 9:11 flowing [1] - 11:6 flows [1] - 25:9 focus [1] - 21:16 focusing [2] - 20:10, 20:17 fog [3] - 22:9, 22:10, 22:11 folks [12] - 4:18, 4:19, 5:6, 5:9, 7:20, 7:21, 9:24, 15:25, 16:10, 20:5, 26:8, 37:8 follow [1] - 22:18 following [1] - 26:16 FONSI [1] - 14:23 footprint [1] - 21:19 forced [1] - 12:10 foregoing [1] - 38:6 forever [1] - 33:18 forget [1] - 16:16 forth [1] - 7:3 Fortune [1] - 19:15 forward [3] - 7:1, 8:22, 23:6 frame [5] - 25:12, 25:19, 28:2, 28:6, 28:24 Francisco [3] - 5:14, 5:17, 10:1</p>	<p>free [2] - 26:13, 26:25 Fresno [2] - 19:3, 32:3 front [2] - 8:10, 18:11 full [1] - 38:7 fund [1] - 23:13 future [1] - 30:17</p>
G				
		<p style="text-align: center;">F</p> <p>facilities [2] - 21:13, 21:14 facility [1] - 21:24 factors [8] - 12:4, 13:8, 13:19, 13:25, 14:22, 14:25, 15:9, 16:6 facts [1] - 19:12 fair [1] - 8:3 fairs [1] - 25:15 fall [2] - 17:5, 17:6 far [5] - 10:6, 10:12, 22:3, 33:1, 36:20 Farm [1] - 18:15 FARM [1] - 1:3 farm [3] - 21:22, 30:11, 32:13 farmers [1] - 33:4 farming [1] - 31:24 farms [1] - 19:10 fashion [1] - 24:9 fast [1] - 28:1 fear [1] - 30:18 fearful [1] - 31:20 feature [2] - 11:1, 11:5 features [3] - 8:24, 9:4, 9:12 Federal [1] - 4:9 federal [17] - 7:1, 11:23, 11:24, 11:25, 12:3, 12:5, 12:6, 12:8, 12:10, 12:12, 12:22,</p>	<p>Galacatos [2] - 5:16, 7:16 GALACATOS [2] - 2:5, 5:16 gardening [1] - 29:22 Garsly [1] - 32:13 gas [3] - 24:15, 24:18, 24:20 general [1] - 23:13 generate [2] - 20:12, 24:24 generates [1] - 22:5 generation [1] - 20:9 geological [1] - 24:3 geology [1] - 14:3 giant [1] - 28:24 gigawatt [1] - 20:7 gigawatts [3] - 19:17, 20:6, 20:11 given [1] - 9:12 goal [1] - 20:11 goals [2] - 8:1, 8:2 Government [1] - 4:9 government [6] - 11:24, 12:8, 13:14, 35:14, 35:15, 35:21 grab [2] - 7:10, 7:14 grandchildren [1] - 29:23 grandchildren's [1] - 30:1 ground [2] - 19:23, 24:7 group [5] - 7:18, 7:19, 7:23, 19:25, 20:1 grow [1] - 30:20 guess [4] - 24:23, 27:10, 32:6, 35:17 guys [9] - 4:5, 10:24, 16:2, 25:8, 26:1, 26:7, 26:17, 27:7, 27:11</p>	
E				H
<p>E-mail [5] - 7:15, 17:9, 18:10, 27:1, 36:17</p>				<p>hand [1] - 9:10</p>

<p>handout [1] - 35:21 happy [1] - 33:15 Harbor [5] - 8:7, 8:8, 8:12, 10:7, 10:12 Harbors [2] - 7:25, 10:11 harrowing [1] - 29:20 haul [1] - 26:2 head [1] - 32:14 headaches [1] - 30:4 headed [1] - 15:6 headquartered [1] - 19:13 health [1] - 14:4 hear [1] - 4:17 heard [1] - 24:5 hearing [1] - 7:2 heart [1] - 34:7 held [1] - 38:9 help [1] - 6:6 helping [1] - 6:6 hereby [1] - 38:5 hi [2] - 4:5, 18:13 HICKS [1] - 2:4 hICKS [1] - 5:13 Hicks [1] - 5:13 high [10] - 9:8, 10:8, 10:10, 10:16, 10:22, 11:4, 32:20, 36:1, 37:5 higher [1] - 10:19 highest [2] - 15:3, 15:4 Highway [1] - 22:18 hills [1] - 27:7 hiring [1] - 23:8 historically [1] - 20:19 holes [2] - 11:12, 24:3 Hollister [4] - 22:11, 23:12, 26:4, 34:11 homes [1] - 24:13 horrendous [1] - 30:2 horses [1] - 27:6 hospitals [2] - 21:15 hours [3] - 23:25, 34:15, 34:18 hundred [5] - 19:15, 19:19, 26:1, 32:14, 33:19 hundreds [1] - 23:7 husband [2] - 29:16, 32:13 hydrology [3] - 9:19, 10:22, 11:12</p>	<p style="text-align: center;">I</p> <p>identify [1] - 11:4 identifying [1] - 16:14 Idria [3] - 31:15, 31:17, 31:18 impact [7] - 12:19, 15:1, 15:2, 15:8, 23:18, 24:10, 33:7 Impact [11] - 14:24, 15:5, 15:10, 15:11, 15:15, 15:20, 16:4, 16:6, 16:9, 22:21, 25:5 IMPACT [1] - 1:4 impacted [1] - 21:24 impassable [1] - 29:12 implement [1] - 12:1 implementation [1] - 7:23 import [1] - 23:9 important [3] - 13:3, 14:1, 36:1 impressive [1] - 34:18 including [1] - 5:25 increased [1] - 29:19 inform [2] - 14:9, 15:12 information [7] - 7:5, 13:13, 15:13, 17:13, 17:15 informed [1] - 13:9 initial [1] - 15:24 input [7] - 4:20, 5:1, 7:4, 12:5, 13:6, 14:6, 15:25 insane [1] - 27:14 instances [1] - 12:8 intend [1] - 15:19 intended [1] - 7:2 intension [1] - 30:17 intent [1] - 17:1 Intent [2] - 15:17, 15:18 intention [2] - 7:8, 35:1 interact [1] - 23:6 interconnection [1] - 25:7 interest [7] - 12:4, 13:8, 13:18, 14:22, 15:8, 16:5, 16:13 interested [1] - 16:8 Intern [1] - 6:14 introduce [1] - 5:10 Introduce [1] - 6:12</p>	<p>introducing [1] - 26:5 introductions [1] - 5:6 invested [1] - 13:5 invited [1] - 4:25 involved [4] - 6:18, 8:15, 32:18, 32:25 involvement [2] - 13:10, 16:20 ISO [1] - 25:7 issue [11] - 12:13, 12:15, 12:16, 13:7, 13:20, 14:24, 15:14, 16:17, 28:18, 28:20, 28:23 issued [3] - 11:24, 16:25, 17:6 itself [1] - 21:22</p> <p style="text-align: center;">J</p> <p>James [1] - 36:8 Jane [1] - 5:13 JANE [1] - 2:4 Joaquin [1] - 22:8 job [3] - 24:17, 25:15, 34:16 jobs [2] - 23:8, 25:17 JOHN [2] - 2:6, 2:10 john [1] - 5:21 John [2] - 6:10, 21:16 Johnson [2] - 4:6, 5:11 JOHNSON [26] - 2:4, 4:5, 6:4, 6:12, 6:15, 17:21, 18:5, 18:8, 26:7, 26:23, 27:4, 27:22, 28:8, 29:7, 31:13, 32:9, 32:11, 34:1, 34:24, 35:6, 36:7, 36:11, 36:19, 36:23, 37:1, 37:4 joint [3] - 19:9, 21:2, 25:22 July [1] - 15:21 jump [1] - 9:4 jurisdiction [9] - 8:21, 10:6, 10:7, 10:11, 10:18, 32:19, 37:2, 37:3, 37:4 justice [1] - 14:3</p> <p style="text-align: center;">K</p> <p>KABLE [5] - 2:14, 3:6, 29:6, 29:8, 29:9 Kale [1] - 29:8</p>	<p>Kate [1] - 31:14 KATE [2] - 2:15, 3:7 KATERINA [1] - 2:4 Katerina [5] - 5:16, 7:16, 17:11, 27:1, 36:8 KIM [1] - 2:13 kind [14] - 4:9, 6:16, 9:4, 11:7, 11:11, 14:13, 19:23, 20:9, 21:7, 21:11, 28:11, 28:15, 32:23 kinds [1] - 29:24 King [1] - 6:10 KING [2] - 2:10, 6:10</p> <p style="text-align: center;">L</p> <p>Land [1] - 23:15 land [9] - 20:23, 21:19, 23:16, 23:17, 27:18, 30:15, 30:19, 30:20, 32:4 Landing [1] - 22:17 large [1] - 20:8 LARRY [1] - 2:16 last [5] - 19:5, 27:9, 29:8, 31:25, 34:11 late [1] - 32:6 law [6] - 8:9, 12:1, 13:13, 13:15, 13:17, 13:24 laws [2] - 11:20, 13:11 lay [1] - 18:16 layer [1] - 22:12 layout [1] - 18:18 lead [1] - 7:1 learn [1] - 29:23 left [1] - 27:17 legacy [2] - 31:16 legally [1] - 28:23 less [1] - 22:9 letter [2] - 17:11, 36:18 level [1] - 19:24 levies [1] - 7:22 License [1] - 1:14 lies [1] - 10:12 life [3] - 23:7, 29:25, 30:10 likely [1] - 15:7 limited [1] - 12:25 limits [1] - 8:21 line [3] - 10:22, 18:24, 35:22 lines [7] - 10:17, 22:16, 25:8, 25:9, 27:8, 27:20</p>	<p>lining [1] - 35:20 Lisa [1] - 1:14 LISA [2] - 38:4, 38:17 list [1] - 36:18 listen [3] - 4:8, 4:11, 4:13 literally [1] - 9:9 live [13] - 5:7, 27:23, 29:9, 29:22, 30:10, 30:20, 31:3, 31:5, 31:9, 31:14, 31:16, 34:8, 34:10 lives [1] - 30:1 living [2] - 29:24, 31:6 LLC [1] - 21:5 located [1] - 22:1 location [1] - 19:11 long-term [1] - 25:25 look [28] - 4:24, 9:2, 9:7, 9:17, 9:18, 9:19, 9:22, 9:24, 10:7, 10:10, 12:3, 13:2, 13:6, 13:20, 13:21, 13:24, 14:6, 14:12, 14:14, 14:16, 14:20, 15:9, 16:5, 24:15, 27:8, 34:18, 35:4 looking [9] - 7:1, 8:22, 12:20, 12:24, 16:25, 17:4, 24:2, 24:14, 28:15 looks [2] - 11:6, 11:14 LOPEZ [1] - 2:16 loss [1] - 8:4 love [1] - 34:12 lower [1] - 24:21</p> <p style="text-align: center;">M</p> <p>mail [6] - 7:15, 17:9, 18:9, 18:10, 27:1, 36:17 main [1] - 33:12 maintained [2] - 29:13, 29:14 major [1] - 13:9 majority [1] - 20:14 MAKER [2] - 38:4, 38:17 Maker [1] - 1:14 Manager [1] - 5:17 manager [2] - 6:9, 6:11 map [4] - 9:10, 9:22, 11:14, 11:18 maps [1] - 11:16 marine [2] - 8:19,</p>
--	---	--	--	--

<p>22:12 mark [3] - 10:8, 11:5, 28:24 marks [4] - 9:9, 10:10, 26:21, 37:5 marshland [1] - 10:1 materials [1] - 8:17 mean [8] - 10:8, 10:10, 32:3, 33:15, 35:10, 35:16, 35:17, 35:24 means [4] - 10:12, 12:23, 13:1, 35:24 measures [1] - 18:20 meet [1] - 14:25 meeting [4] - 4:16, 19:5, 32:16, 34:6 MEETING [1] - 1:5 meetings [2] - 32:16, 33:3 megawatt [1] - 18:22 megawatts [1] - 19:17 members [2] - 4:17, 14:8 MENDEZ [2] - 2:14, 2:16 mercury [1] - 27:16 Meredith [5] - 6:4, 6:5, 18:3, 18:4, 26:10 mEREDITH [1] - 2:10 merger [1] - 19:21 mess [2] - 27:12, 27:17 might [1] - 34:4 migraine [1] - 30:4 migraines [1] - 30:3 miles [2] - 31:15, 36:25 millions [1] - 19:13 mine [1] - 27:16 Mining [1] - 31:17 mitigation [5] - 18:20, 21:22, 21:25, 23:16 Mojave [1] - 22:7 monetary [1] - 23:14 money [4] - 30:25, 31:1, 35:14, 35:16 monitored [1] - 30:9 MONTEREY [1] - 38:2 Monterey [1] - 38:5 months [2] - 9:16, 11:5 Moss [2] - 22:15, 22:17 Moss-Panoche [1] - 22:15 most [7] - 7:25, 9:1,</p>	<p>9:2, 20:20, 35:9, 35:11, 35:12 moved [1] - 19:1 moving [1] - 20:9 MR [34] - 4:5, 5:19, 5:21, 5:23, 6:4, 6:10, 6:12, 6:15, 17:21, 18:5, 18:8, 18:13, 26:7, 26:23, 27:3, 27:4, 27:22, 28:8, 29:7, 31:13, 32:9, 32:11, 34:1, 34:4, 34:24, 36:7, 36:11, 36:19, 36:20, 36:23, 36:24, 37:1, 37:3, 37:4 MS [13] - 5:13, 6:5, 6:8, 6:13, 18:4, 18:10, 26:20, 29:6, 29:8, 31:14, 32:10, 35:5, 35:7 multiple [1] - 4:19</p> <p style="text-align: center;">N</p> <p>naivety [1] - 32:19 name [11] - 4:5, 5:10, 20:21, 26:12, 27:4, 27:22, 29:7, 29:8, 32:11, 32:12 names [1] - 21:10 nation [2] - 32:2, 36:1 National [3] - 7:24, 12:1, 13:11 national [1] - 8:1 natural [4] - 22:7, 24:15, 24:18, 24:20 navigable [1] - 10:8 navigations [2] - 8:11, 8:13 necessarily [2] - 19:25, 22:25 need [10] - 7:13, 11:13, 12:13, 13:14, 14:17, 17:23, 25:10, 26:14 needs [2] - 28:20, 34:19 NEPA [9] - 6:6, 11:19, 12:1, 12:2, 12:21, 14:10, 14:17, 16:19 net [1] - 8:4 never [1] - 31:19 New [3] - 31:14, 31:17, 31:18 next [3] - 14:19, 15:23, 17:21</p>	<p>nine [2] - 21:25, 23:17 nineties [1] - 28:5 nobody [2] - 9:23, 10:3 noise [5] - 14:3, 30:2, 30:3, 30:5, 31:9 none [1] - 14:25 north [1] - 22:14 North [1] - 19:14 note [1] - 4:15 notes [1] - 38:8 Notice [1] - 15:17 notice [3] - 15:18, 15:19, 16:25 number [3] - 20:24, 21:13, 23:2</p> <p style="text-align: center;">O</p> <p>o'clock [2] - 34:25, 35:1 obsolete [2] - 27:14, 30:22 obvious [1] - 9:3 occasionally [1] - 32:22 OF [2] - 38:1, 38:2 often [1] - 32:22 old [2] - 17:10, 29:24 One [1] - 23:10 one [27] - 9:23, 12:7, 12:9, 12:11, 14:18, 15:3, 15:8, 18:6, 18:9, 18:11, 19:11, 22:13, 23:7, 24:23, 25:21, 26:20, 27:9, 31:2, 33:12, 33:25, 35:5, 35:17, 35:22, 36:17, 36:18, 36:20, 36:25 ones [1] - 33:12 oOo [1] - 2:18 operate [1] - 25:9 operating [4] - 19:14, 20:6, 21:12, 21:13 operation [1] - 26:8 operational [1] - 24:19 operations [1] - 25:21 opinion [1] - 28:20 opportunities [2] - 5:2, 16:19 opportunity [5] - 5:8, 16:10, 16:22, 17:25, 26:8 options [1] - 14:11 order [1] - 14:13</p>	<p>ordinary [4] - 9:8, 9:11, 11:4, 37:5 originate [1] - 22:16 outside [1] - 10:22 overseeing [1] - 5:25 overview [1] - 21:18 own [9] - 14:7, 19:20, 20:2, 20:5, 25:8, 25:25, 27:5, 30:24, 32:13 owned [1] - 20:4 ownership [1] - 25:25</p> <p style="text-align: center;">P</p> <p>p.m [1] - 37:11 P.M [2] - 1:11, 4:2 pAGE [1] - 3:3 pages [1] - 38:6 Paicines [1] - 1:13 PAICINES [1] - 4:1 panel [1] - 19:1 panels [5] - 27:10, 27:13, 27:16, 30:23, 36:22 PANOCHÉ [1] - 1:3 Panoche [16] - 1:12, 5:20, 5:21, 18:15, 18:24, 19:2, 21:5, 22:15, 22:17, 22:19, 23:20, 29:9, 31:23, 33:24 paper [1] - 9:10 pardon [1] - 14:7 parent [2] - 19:17, 19:21 part [19] - 5:19, 6:16, 6:21, 6:24, 7:12, 7:25, 9:6, 9:14, 11:19, 13:19, 17:21, 18:25, 19:25, 21:3, 21:4, 25:23, 25:25, 36:10, 36:12 particularly [1] - 33:8 parts [1] - 31:22 path [1] - 28:12 peacefully [1] - 29:22 pencil [1] - 9:10 people [12] - 9:1, 9:2, 20:20, 21:16, 24:5, 26:21, 29:17, 31:8, 31:10, 34:8, 34:12, 34:22 per [1] - 23:13 percent [2] - 22:6, 26:1</p>	<p>perfect [1] - 32:4 period [6] - 7:15, 16:1, 16:21, 17:2, 26:14, 36:6 permanent [1] - 11:23 permanently [2] - 23:18, 24:10 permit [19] - 11:24, 12:13, 12:15, 12:16, 12:17, 13:7, 13:20, 14:12, 14:25, 15:3, 15:14, 16:17, 16:24, 25:10, 25:11, 28:13, 28:21, 28:23, 29:1 permits [3] - 22:20, 28:18, 32:17 permitting [2] - 12:25, 25:4 pertain [1] - 22:25 phonetic [1] - 32:13 physical [1] - 25:8 picked [1] - 31:23 piece [1] - 13:4 PIMENTEL [1] - 5:21 PIMENTEL [1] - 2:6 Pimentel [1] - 5:21 place [8] - 11:8, 29:17, 29:22, 31:5, 31:10, 33:11, 34:9, 34:12 PLACE [1] - 1:12 placement [1] - 8:16 places [2] - 33:16, 33:19 plan [1] - 36:22 plane [1] - 11:15 plant [1] - 12:17 plants [4] - 9:19, 10:21, 11:11, 30:20 point [6] - 4:16, 10:2, 21:6, 24:23, 31:25, 32:17 points [1] - 4:24 policies [1] - 28:10 Policy [3] - 7:24, 12:2, 13:12 political [1] - 31:21 politics [1] - 35:13 pollution [1] - 24:15 portfolio [1] - 20:8 portion [2] - 6:24, 19:2 possible [4] - 28:1, 30:17, 31:11, 34:21 potential [1] - 28:16 power [4] - 20:11, 24:12, 25:12, 25:13 precious [1] - 36:3 preferred [1] - 16:15</p>
---	--	---	---	--

<p>preparation [1] - 17:3</p> <p>prepare [1] - 6:7</p> <p>presentation [1] - 6:20</p> <p>presentations [1] - 7:7</p> <p>preservation [1] - 28:17</p> <p>preserving [1] - 33:24</p> <p>pressure [1] - 28:2</p> <p>pretty [3] - 9:15, 24:17, 33:17</p> <p>priority [1] - 23:8</p> <p>pristine [2] - 27:8, 32:4</p> <p>privacy [1] - 29:21</p> <p>PROCEEDINGS [1] - 4:3</p> <p>proceedings [1] - 38:9</p> <p>Process [1] - 6:6</p> <p>process [17] - 4:24, 5:3, 7:6, 13:19, 14:12, 15:16, 16:19, 16:23, 17:16, 18:17, 18:19, 18:21, 21:6, 22:21, 23:1, 25:5, 28:11</p> <p>processes [1] - 28:19</p> <p>produce [5] - 11:16, 15:1, 15:2, 15:11, 15:20</p> <p>produced [1] - 24:16</p> <p>produces [1] - 24:17</p> <p>production [1] - 16:4</p> <p>program [2] - 8:1, 8:2</p> <p>Progress [1] - 19:22</p> <p>Project [1] - 5:16</p> <p>project [54] - 4:10, 4:12, 4:14, 4:25, 6:9, 6:11, 6:20, 8:11, 12:12, 13:3, 13:5, 14:14, 14:21, 15:6, 15:7, 17:14, 17:23, 17:24, 18:20, 18:22, 19:1, 19:6, 19:9, 20:20, 20:23, 21:1, 21:20, 22:14, 23:4, 23:6, 23:7, 24:25, 25:2, 25:3, 25:23, 27:15, 28:4, 28:6, 28:10, 28:11, 28:14, 29:10, 29:25, 30:14, 31:4, 31:7, 31:9, 32:24, 33:6, 33:13, 33:17, 35:19, 36:9</p> <p>projects [6] - 14:16,</p>	<p>14:17, 20:2, 20:5, 26:1, 35:12</p> <p>proper [1] - 29:14</p> <p>property [1] - 30:24</p> <p>proponent [1] - 4:12</p> <p>proponents [1] - 36:9</p> <p>proposed [5] - 4:10, 6:21, 17:4, 20:20, 25:3</p> <p>prospective [1] - 8:5</p> <p>protect [1] - 8:2</p> <p>Protection [1] - 8:19</p> <p>provide [14] - 4:20, 4:25, 6:19, 7:13, 7:14, 7:16, 15:25, 16:2, 16:10, 17:7, 17:22, 17:24, 18:2, 18:6</p> <p>providing [1] - 7:4</p> <p>Public [1] - 2:13</p> <p>public [29] - 4:17, 4:25, 5:7, 6:21, 6:23, 6:24, 7:12, 12:4, 12:6, 13:8, 13:18, 13:25, 14:3, 14:5, 14:9, 14:22, 15:8, 15:12, 15:23, 16:5, 16:13, 16:20, 19:5, 23:1, 23:3, 26:9, 26:10, 26:11, 26:16</p> <p>PUBLIC [2] - 1:5, 3:1</p> <p>pulling [1] - 30:13</p> <p>pump [1] - 24:5</p> <p>pumping [1] - 24:6</p> <p>purchase [1] - 25:13</p> <p>purposes [1] - 13:9</p> <p>put [9] - 20:13, 21:24, 25:11, 26:18, 27:19, 30:5, 31:1, 32:2, 36:22</p> <p>PV [1] - 20:5</p> <p>PV2 [8] - 2:7, 6:13, 18:14, 20:25, 21:2, 21:3, 21:9, 21:16</p>	<p style="text-align: center;">R</p> <p>rains [1] - 32:21</p> <p>rainy [1] - 37:7</p> <p>ranch [1] - 27:6</p> <p>Ranch [3] - 23:19, 23:23, 27:24</p> <p>ranchers [1] - 33:4</p> <p>ranching [1] - 31:25</p> <p>Rani [1] - 27:23</p> <p>RANI [1] - 2:14</p> <p>rANI [1] - 3:5</p> <p>rather [1] - 4:22</p> <p>ratio [1] - 23:17</p> <p>reading [1] - 16:9</p> <p>real [1] - 33:3</p> <p>reality [1] - 34:19</p> <p>realizes [1] - 22:4</p> <p>really [14] - 5:9, 6:23, 17:10, 21:5, 32:15, 32:17, 33:9, 33:11, 34:5, 34:9, 34:19, 35:10, 35:15, 35:23</p> <p>reasonable [1] - 8:3</p> <p>reasons [2] - 22:13, 25:22</p> <p>recently [1] - 26:3</p> <p>recognize [1] - 20:21</p> <p>recollect [1] - 34:19</p> <p>record [6] - 7:12, 16:16, 26:15, 36:15, 37:11</p> <p>Record [1] - 17:5</p> <p>recording [1] - 36:12</p> <p>regard [2] - 6:23, 37:2</p> <p>regarding [1] - 4:14</p> <p>Regional [1] - 28:21</p> <p>register [1] - 15:21</p> <p>regulate [4] - 8:16, 10:23, 11:8, 11:13</p> <p>regulated [7] - 8:17, 9:5, 9:7, 10:13, 12:19, 12:21, 30:9</p> <p>regulating [1] - 11:17</p> <p>regulations [2] - 8:10, 11:21</p> <p>Regulations [1] - 13:12</p> <p>regulatory [5] - 5:11, 5:13, 7:18, 7:23, 8:3</p> <p>reiterate [1] - 23:2</p> <p>relatively [5] - 8:5, 8:25, 25:1, 28:25, 29:1</p> <p>relevant [1] - 33:1</p> <p>reliant [2] - 14:5,</p>	<p>14:8</p> <p>remember [1] - 34:15</p> <p>renewable [2] - 19:24, 20:3</p> <p>Renewables [3] - 19:9, 21:4, 35:9</p> <p>renewables [2] - 20:10, 21:12</p> <p>renewals [1] - 20:12</p> <p>Report [2] - 22:21, 25:5</p> <p>Reporter [1] - 38:4</p> <p>REPORTER [1] - 1:14</p> <p>reporter [3] - 4:16, 31:22, 32:11</p> <p>REPORTING [1] - 1:21</p> <p>representing [1] - 36:8</p> <p>requesting [1] - 16:1</p> <p>required [3] - 12:1, 12:22, 13:24</p> <p>requires [4] - 8:15, 12:3, 12:4, 12:6</p> <p>requiring [1] - 15:12</p> <p>Research [1] - 8:19</p> <p>resident [1] - 34:5</p> <p>residents [3] - 5:9, 23:9, 25:14</p> <p>Resource [1] - 23:15</p> <p>resource [3] - 22:4, 22:7, 24:18</p> <p>resources [7] - 8:4, 14:1, 14:2, 20:18, 22:3, 24:2, 24:3</p> <p>responsible [1] - 7:23</p> <p>rest [2] - 5:8, 17:3</p> <p>retire [1] - 31:6</p> <p>reverse [1] - 14:13</p> <p>review [12] - 12:4, 13:8, 13:18, 13:25, 14:17, 14:21, 14:22, 14:25, 15:8, 16:5, 16:14, 16:19</p> <p>revised [1] - 18:19</p> <p>RICHARD [1] - 2:13</p> <p>ride [1] - 27:7</p> <p>rights [1] - 20:23</p> <p>Rivers [6] - 7:25, 8:8, 8:12, 10:7, 10:11, 10:12</p> <p>rivers [4] - 8:7, 8:24, 9:6, 9:7</p> <p>road [9] - 23:20, 23:22, 24:23, 27:12, 29:14, 29:16, 32:14</p> <p>Road [4] - 1:12, 18:24, 22:19, 29:9</p>	<p>roads [1] - 29:11</p> <p>ROBERT [1] - 2:15</p> <p>role [3] - 4:10, 6:18, 13:4</p> <p>Ron [1] - 32:13</p> <p>roof [1] - 21:15</p> <p>room [1] - 20:20</p> <p>round [1] - 5:6</p> <p>run [2] - 10:18, 15:24</p> <p>running [2] - 18:24, 18:25</p> <p>ruse [1] - 32:23</p> <p>rush [2] - 28:1, 34:16</p> <p>rushed [1] - 28:5</p> <p style="text-align: center;">S</p> <p>safety [1] - 14:4</p> <p>Salinas [1] - 1:22</p> <p>San [15] - 5:14, 5:17, 5:25, 9:25, 18:17, 18:23, 19:2, 22:1, 22:8, 22:24, 23:5, 23:8, 23:12, 23:14, 31:17</p> <p>saving [1] - 24:21</p> <p>scale [2] - 28:12, 28:15</p> <p>scenario [1] - 7:3</p> <p>scenery [1] - 29:21</p> <p>schedule [1] - 5:5</p> <p>scheduling [1] - 17:4</p> <p>School [1] - 1:12</p> <p>school [2] - 17:10, 30:5</p> <p>scope [3] - 13:2, 13:21, 13:23</p> <p>scopes [1] - 12:23</p> <p>scoping [4] - 15:24, 16:1, 17:1, 17:2</p> <p>SCOPING [1] - 1:5</p> <p>screen [1] - 18:7</p> <p>season [2] - 34:17, 37:7</p> <p>second [2] - 16:7, 16:10</p> <p>section [1] - 8:14</p> <p>see [10] - 4:23, 10:5, 18:23, 18:24, 19:1, 21:7, 32:17, 32:19, 34:13, 37:7</p> <p>seeing [1] - 10:25</p> <p>seem [1] - 21:11</p> <p>sell [2] - 25:13, 25:14</p> <p>send [4] - 7:15, 15:19, 16:8, 17:11</p> <p>sense [1] - 29:4</p> <p>sensitive [1] - 30:7</p> <p>separate [1] - 21:3</p>

<p>September [3] - 17:2, 17:9, 38:13 service [1] - 19:15 Service [4] - 2:9, 5:24, 28:16, 36:9 services [1] - 6:3 set [2] - 17:14, 23:17 short [1] - 32:6 Shorthand [1] - 38:4 showed [1] - 12:20 showing [1] - 10:20 shows [1] - 16:11 sick [1] - 29:17 side [7] - 10:2, 21:17, 22:18, 23:21, 23:22 sides [2] - 23:24, 34:13 Sierras [1] - 34:7 signed [2] - 22:22, 26:21 Significant [1] - 14:24 significant [3] - 15:1, 15:2, 15:7 significantly [4] - 10:15, 10:18, 10:19, 22:9 signs [1] - 29:14 Silver [2] - 23:19, 23:23 simplest [1] - 14:14 site [6] - 11:1, 19:1, 20:3, 21:18, 25:24, 36:21 sited [1] - 22:14 situation [1] - 8:20 size [2] - 28:4, 28:7 slide [4] - 9:23, 10:3, 10:4, 26:5 slope [1] - 10:19 slough [2] - 9:25, 10:9 small [1] - 13:23 soil [4] - 11:13, 27:9, 27:15 soils [3] - 9:18, 10:21, 14:3 SOLAR [1] - 1:3 solar [23] - 12:17, 19:10, 20:3, 20:5, 20:18, 21:13, 21:21, 21:24, 22:3, 22:4, 22:7, 23:10, 24:4, 24:19, 24:21, 27:9, 27:13, 27:16, 27:19, 30:22, 35:12, 35:19, 35:25 Solar [4] - 5:20, 5:22, 18:15, 21:5 Solargen [8] - 20:19,</p>	<p>20:21, 20:22, 21:1, 21:8, 25:3, 35:20 sometimes [1] - 29:2 sounds [1] - 15:19 South [1] - 5:11 south [1] - 18:25 Southeastern [1] - 19:2 Southern [2] - 18:25, 23:22 SPEAKER [6] - 17:19, 18:6, 18:9, 36:5, 36:10, 36:16 SPEAKERS [1] - 3:1 speaking [1] - 4:18 species [3] - 14:2, 33:1, 33:3 specific [1] - 28:10 specifically [1] - 17:14 spend [1] - 29:23 spending [1] - 26:3 spent [1] - 22:5 spot [2] - 26:19, 36:3 spring [1] - 17:5 ss [1] - 38:1 standing [1] - 4:18 standpoint [1] - 24:19 start [7] - 12:11, 13:1, 25:16, 25:17, 25:18, 26:11 started [2] - 8:9, 25:2 starting [1] - 10:2 starts [1] - 23:20 State [3] - 9:1, 27:22, 38:5 STATE [1] - 38:1 state [2] - 9:14, 27:4 Statement [8] - 15:5, 15:10, 15:11, 15:15, 15:20, 16:4, 16:7, 16:9 STATEMENT [1] - 1:4 statements [2] - 28:17 States [3] - 4:6, 8:18, 8:24 stay [1] - 26:16 stellar [1] - 31:24 stenographic [1] - 38:8 step [4] - 14:19, 15:18, 15:23 stick [5] - 7:9, 34:2, 34:14, 34:24, 36:7 still [2] - 9:5, 9:21 Stop [1] - 23:11 straight [1] - 8:22</p>	<p>Street [1] - 1:21 stress [1] - 24:7 strong [1] - 22:4 studies [3] - 14:7, 27:25 studying [1] - 22:5 stuff [4] - 8:5, 9:1, 19:20, 37:10 submit [1] - 26:25 subsidiary [1] - 20:4 subsidiaries [1] - 20:16 substation [1] - 22:18 suffer [1] - 32:5 summer [1] - 17:5 Supervisor [1] - 5:25 Supervisors [2] - 23:10, 26:4 suppose [1] - 33:14 supposed [4] - 13:6, 28:3, 28:8, 34:25 surprised [1] - 35:23 surrounds [1] - 23:23 surveyed [1] - 34:16 surveys [3] - 20:24, 24:1, 34:15 sustainable [2] - 24:9, 31:24 switched [1] - 11:20</p>	<p>today [1] - 18:21 together [1] - 19:23 tomorrow's [1] - 34:6 tonight [7] - 4:16, 4:20, 5:2, 17:8, 27:1 tons [1] - 24:21 tooth [1] - 34:20 top [2] - 24:4, 24:16 tops [1] - 21:15 totally [2] - 31:6, 31:7 toward [1] - 20:15 track [1] - 17:15 traditions [1] - 33:5 traffic [5] - 14:4, 29:11, 29:19, 30:1, 30:5 train [1] - 27:6 training [1] - 23:10 transcription [1] - 38:7 transition [1] - 25:8 transmission [2] - 22:13, 22:15 trash [1] - 32:2 treacherous [1] - 29:12 TRI [1] - 1:21 TRI-COUNTY [1] - 1:21 triggers [1] - 36:13 true [1] - 38:7 trying [3] - 24:3, 24:6, 26:18 tuesday [1] - 1:10 turn [4] - 6:19, 14:24, 23:20, 29:1 turned [1] - 31:7 two [3] - 13:9, 23:23, 24:11 type [1] - 7:3 typical [8] - 7:19, 9:11, 9:23, 10:25, 28:3, 28:6, 37:6, 37:7 typically [2] - 11:14, 28:11</p>	<p>underneath [1] - 19:18 uniqueness [1] - 34:22 United [3] - 4:6, 8:18, 8:23 UNKNOWN [6] - 17:19, 18:6, 18:9, 36:5, 36:10, 36:16 unless [2] - 28:18, 35:20 up [17] - 4:18, 6:21, 10:15, 10:19, 17:14, 18:11, 19:2, 26:21, 27:11, 27:16, 30:5, 31:10, 31:18, 31:19, 33:10, 34:8, 35:20 upside [1] - 31:7 US [2] - 5:17, 5:23 utilities [1] - 25:13 utility [1] - 19:22 utilized [1] - 21:21</p>
V				
<p>Vallecito [1] - 31:18 valley [14] - 9:4, 22:10, 22:15, 24:1, 27:7, 27:19, 30:1, 30:9, 30:15, 30:18, 33:4, 33:10, 33:17, 36:24 Valley [8] - 5:20, 5:22, 18:15, 19:2, 21:5, 22:9, 31:23, 33:25 VALLEY [1] - 1:3 valuable [1] - 33:21 various [1] - 34:21 venture [3] - 19:9, 21:2, 25:22 verbal [1] - 17:7 verbally [1] - 18:1 verifying [1] - 9:10 version [2] - 13:16, 14:14 viable [3] - 31:5, 32:20, 35:15 view [4] - 10:4, 11:16, 17:17, 24:14</p>				
W				
<p>wants [1] - 17:17 Water [13] - 7:24, 8:14, 8:15, 10:14, 10:17, 11:17, 11:21, 11:22, 12:13, 12:15, 12:17, 13:24, 28:21</p>				

<p>water ^[16] - 9:9, 10:8, 10:10, 11:2, 11:4, 11:6, 24:8, 24:24, 30:8, 30:13, 30:16, 30:18, 30:21, 31:18, 36:21, 37:5</p> <p>waters ^[4] - 8:17, 8:23, 10:8, 12:19</p> <p>waterways ^[2] - 32:20, 32:23</p> <p>ways ^[2] - 4:19, 29:24</p> <p>website ^[2] - 17:13, 17:19</p> <p>wells ^[2] - 24:6, 30:12</p> <p>west ^[4] - 19:3, 23:21, 29:24, 34:9</p> <p>wetland ^[5] - 9:4, 9:13, 9:18, 9:24, 10:20</p> <p>wetlands ^[3] - 9:2, 9:14, 11:9</p> <p>whole ^[6] - 12:3, 14:15, 20:8, 21:2, 34:9, 36:24</p> <p>wholly ^[1] - 20:4</p> <p>whoops ^[2] - 14:7, 15:3</p> <p>wider ^[1] - 10:18</p> <p>wildlife ^[5] - 33:1, 34:13, 34:14, 34:17, 34:22</p> <p>Wildlife ^[6] - 2:9, 5:24, 6:2, 28:16, 28:19, 36:9</p> <p>WILLIAMS ^[2] - 2:13</p> <p>Williamson ^[1] - 22:22</p> <p>wind ^[7] - 19:10, 20:5, 20:15, 20:16, 21:12, 33:9, 35:25</p> <p>winter ^[2] - 9:16, 11:5</p> <p>wise ^[3] - 26:6, 33:13</p> <p>WOMAN ^[1] - 17:19</p> <p>wondering ^[1] - 31:23</p> <p>WOODS ^[3] - 2:15, 3:7, 31:14</p> <p>Woods ^[1] - 31:14</p> <p>worth ^[1] - 33:24</p> <p>wrap ^[1] - 6:21</p> <p>write ^[1] - 17:10</p> <p>writing ^[7] - 4:22, 7:13, 7:15, 26:24, 27:2, 35:3, 36:14</p> <p>written ^[2] - 17:8</p>	<p style="text-align: center;">Y</p> <p>year ^[6] - 9:6, 9:12, 9:17, 9:21, 20:17, 28:4</p> <p>years ^[8] - 19:15, 27:10, 27:12, 29:2, 31:16, 31:25, 33:19, 34:11</p> <p>yourself ^[1] - 6:12</p> <p style="text-align: center;">Z</p> <p>ZACCHERIO ^[5] - 2:10, 6:5, 18:4, 18:10, 26:20</p> <p>Zaccherio ^[1] - 6:5</p>
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