

MEETING MEMORANDUM



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Project Name: Peabody/Trout Creek

Project Number: 22242691

Date of Meeting: April 4, 2012

Party (Name/Title/Agency): FERC -

Bill Allerton – Chief, Dam Safety

Dave Capka – Assistant Director

Tim Welch – Division of Hydropower Licensing

Shana Murray – Office of Energy Projects

Original to File

Copies to:

Subject: Initial Discussion of FERC-PAD Process with FERC Staff

On April 4th, 2012, Brian Yansen (Client, Peabody Energy), Ron McLaughlin (MWE), and David Merritt (URS) met with the above FERC staff at FERC headquarters. Brian Yansen provided a background on the Project, location, purpose and need. Peabody has approximately 500M tons of coal reserves in the ground in the Yampa River Basin, and sees a long-term continued involvement in the area. Bill Allerton raised question of what is downstream of the dam, and what would be the hazard rating. Ron McLaughlin responded that nothing less than high hazard was even considered for this project. A question was raised on establishing a fishery, and we replied that while it may be desirable to establish one, there was not a great expectation on the part of the fishery biologists, and that a fishery below the reservoir, while it would probably be “put and take,” would be more likely. There was also the concern that had been expressed by the Colorado Division of Parks and Wildlife about “midnight stocking” of non-natives, in particular bass and pike.

Ron McLaughlin then began a discussion of the dam design completed to date. While the initial water right was for 30KAF, subsequent water court action reduced it to 15KAF, and additional hydrology and sizing studies have further reduced it to about 12KAF. There was a question on foundation material and investigations, and Ron detailed the level of geotech that has already been accomplished by NWCC. Bill Allerton and Dave Capka indicated an interest in reviewing the geotech at some point, but not now. There was a question as to a zoned earthfill or homogenous, and Ron responded that it would be modified homogenous earthfill. There will probably be a Board of Consultants convened to ultimately review the dam design. Ron stated that the emergency spillway will convey something along the order of the 10- to 25-year return period and beyond, with the lower spills going through a high elevation conduit. On the level of PAD detail needed, FERC would like about 4 to 5 plates detailing the design. On the design itself, they want existing ground, type of pipe, no seep collars and type of bedding. Ron said that it would be 54-inch ductile iron pipe, and Peabody would have an installed capacity of approximately 125 KW. Dave Capka was concerned about the number of

penetrations, but indicated that he was “not AS concerned” about the high penetrations as the deep one.

This will require a letter of understanding with the COE, and Rachel is the FERC contact person in the Sacramento COE office.

We then had a discussion of the Integrated Licensing Process, which is now the default. The client has already decided to pursue this route. A Project Coordinator will be assigned by the Hydropower Licensing Division, as well as resource specialists. Under the Federal Power Act, all Federal resource agencies can dictate conditions, including the BLM, even on the parcel for which an easement has already been secured.

The client can have an individual designated as the Non-Federal Representative on Cultural Resources, as well as a Non-Federal Representative for Endangered Species Act issues – should request this in the PAD.

The dam safety oversight will come out of the San Francisco office, by Mr. Robert Finucane.

URS can e-file the PAD, but FERC still needs three paper copies.

Any 24” x 36” dam design plates should be provided in paper to the San Francisco office – that office has a problem generating that size.

URS can e-subscribe to the docket number, and then automatically be notified when comments are received.

Add American Rivers to the Stakeholders list.

On PAD dam safety issues, the major points at this time are the sizing of the spillways and a profile through the dam.

Generally, the staff was very pleased and impressed with the level of work that has been accomplished to date.

The project boundary should include all lands and facilities which are necessary to the operation of the project.

FERC has a responsibility to provide public recreation, and this needs to be addressed in the PAD. In particular, URS should discuss the existing Yampa River Basin flatwater recreation, and whether it is deficient.