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2 REGIONAL RESOURCE STEWARDSHIP COUNCIL MEETING  
3 APRIL 24TH & 25TH, 2013  
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10 LAKE GUNTERSVILLE STATE PARK LODGE  
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16 MR. GEORGE KITCHENS

17 \*MR. BRAD KREPS

18 \*MR. TOM LITTLEPAGE

19 MR. ROBERT MARTINEAU

20 \*MR. WILL NELSON, III

21 \*MS. RHONDA RICE

22 \*MR. JACK SIMMONS

23 \*PRESENT FOR THE MEETING

24

25

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3 MR. JOE HOAGLAND, DFO  
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## 1 P R O C E E D I N G S

2 CHAIR RUSSELL TOWNSEND: Good morning.  
3 Good morning, everybody. I guess we need to call the  
4 Council to order, if we could. So let's come on in  
5 and take our places and get ready for intellectual  
6 exercises.

7 One thing I wanted to say is I thought  
8 we — I always learn so many interesting things on  
9 these field trips, and it doesn't necessarily matter  
10 if they coincide with our discussion topics or not  
11 because every time we learn more about TVA's  
12 operations, their responsibilities, their management  
13 difficulties, it gives us insight on the things we  
14 need to consider when we address any topic. So I  
15 really appreciate the folks who set up the field  
16 trips and took us out and explained things to us.

17 And thanks to Beth again for setting  
18 up at that wonderful dinner, that just turned out to  
19 be great. I've been to weddings that I've had less  
20 fun than that, I think including my own. So it was a  
21 fun time.

22 MS. LINDA KELSEY: There's a court  
23 reporter, remember.

24 CHAIR RUSSELL TOWNSEND: I know. My  
25 wife will be reading the notes before I get home, I'm

1 sure.

2           Anyway, I did want us to take just a  
3 moment this morning to remember those folks in  
4 Boston, to remember the folks in West Texas. And I  
5 understand this morning there was a barge explosion  
6 in Mobile that claimed three lives. So that may be  
7 near and dear to our hearts here in Alabama. So  
8 let's just -- before I turn it over to Wilson, let's  
9 take this one minute to remember those folks.

10           (Brief pause.)

11           CHAIR RUSSELL TOWNSEND: Thank you.  
12 Thank you, everybody.

13           FACILITATOR WILSON TAYLOR: Thank you,  
14 Russell. Good morning. I just wanted to get us  
15 started off with just sort of a recap of yesterday.  
16 And real quickly for the new members, you recall we  
17 had a quick DFO briefing about what you're  
18 responsibility is.

19           Russell passed out a list of the  
20 topics that Kelly had put together of all of the past  
21 issues that had come before this Council just as a  
22 reminder to some and then as a bit of information for  
23 others.

24           We had some really good presentations  
25 by four presenters talking about the merits of the

1 topic today. So I'm glad to see that three of those  
2 presenters are still with us today in case there's  
3 additional questions that we need to have responded  
4 to.

5 We had a good start on the discussion  
6 questions yesterday. So I really appreciate that  
7 thought that you gave to those, those questions. And  
8 also, I hope that you had a chance to reflect on  
9 those questions last night.

10 I understand the field trip went  
11 really well. So I am glad that was another  
12 uneventful activity for the trip. I recall one field  
13 trip where you got stuck in an elevator.

14 CHAIR RUSSELL TOWNSEND: Yes. It was  
15 exciting.

16 FACILITATOR WILSON TAYLOR: SO I am  
17 glad this one was a little bit less uneventful. So  
18 at this point what I want to do before we get to the  
19 questions that we will be asking you advice on, I  
20 want to have Joe Hoagland -- do you have any  
21 comments, Joe, on the recap from yesterday?

22 DFO JOE HOAGLAND: No. I think that  
23 was good.

24 FACILITATOR WILSON TAYLOR: Thank you.  
25 So Jason Yarbrough is to give us some additional

1 feedback.

2 Thank you, Jason.

3 DFO JOE HOAGLAND: I will say as Jason  
4 is getting up the — there were two questions  
5 yesterday. One was about have we improved since we  
6 began all of the things Jason talked about yesterday,  
7 and then there was a question about what our legal  
8 responsibilities are. So we're going to try to  
9 address those just for a minute, and then we will go  
10 into the discussion.

11 MR. JASON YARBROUGH: There we go.  
12 Okay. So the question was asked — I think Russell  
13 posed a question about the micro invertebrates below  
14 the dams. Instead of pulling up all of the aeration  
15 and flow modifications at the dams that we have made,  
16 I pulled Norris Dam because we had a longer line of  
17 studies pre-improvement.

18 What you see on this bar chart — and  
19 these are just simple and I'm going to run through  
20 them real quick. If you have any questions, I will  
21 be happy to answer them.

22 The far — your far left was before we  
23 made any improvements at all. What you're looking at  
24 here is the total micro invertebrate community, all  
25 the bugs, the mussels, the little worms, everything

1 that lives in the ground under the water before we  
2 made any alterations.

3 The middle set of bars are before we  
4 did any aeration projects but we had installed flow  
5 modifications, and the right is after all  
6 modifications of Norris had been made. You can see  
7 the total change is statistically significant, and I  
8 can say that word today because it's scientific. So  
9 a big change.

10 And the bar -- the scale of this  
11 graph, it's on orders of magnitude. So at least one  
12 order of magnitude difference as an increase because  
13 of the changes that we made.

14 This is looking at the density of the  
15 organisms. You can see we started off -- our data  
16 starts off in '71, and in '91 is when we made the  
17 vast changes. You can see starting in '92 the  
18 density of the organisms just starts climbing and  
19 climbing.

20 In all biological environments you do  
21 have natural variation. So the bars are not always  
22 going to climb. Sometimes they will drop due to some  
23 type of environmental event, rain, a drought that we  
24 have had. So there is variation in the data, but you  
25 can see vast improvements.



1           Then I just pulled our what trout love  
2 to eat, the stoneflies, the mayflies, the  
3 caddisflies. These are three of our sites right  
4 below Norris Dam.

5           The front row of bars is before we  
6 installed any improvements and the back row is after  
7 we installed improvements. So you can see the vast  
8 increases in the food sources for the trout and other  
9 fish that live there, but it's -- we have proven data  
10 of vast improvements.

11           If anyone is interested in seeing all  
12 of our data, I will be happy to supply that to you.  
13 It's just -- it's a lot of data to compress in about  
14 a six-hour period.

15           Anybody -- any questions? I know I  
16 went through that pretty quick.

17           MS. LINDA KELSEY: How far down -- how  
18 far down below the dam do you see that change?

19           MR. JASON YARBROUGH: This -- let's  
20 see. I have gotten the river miles written right  
21 there. It's like 5 or 6 miles down that we study.

22           MS. LINDA KELSEY: Okay.

23           FACILITATOR WILSON TAYLOR: Jack.

24           MR. JACK SIMMONS: Jason, is it safe  
25 to say from that chart that if you looked at the

1 tailwaters and, you know, you didn't have the wetted  
2 perimeter all the time and you didn't have the DO  
3 concentration because of, you know, the releases just  
4 out of the dam in the upper stretch but you get a  
5 little bit of natural aeration and a more wetter  
6 perimeter downstream, is that why the base case in  
7 the lower showed more insects?

8 MR. JASON YARBROUGH: Yes. The  
9 further away from the dam you get you're going to get  
10 some natural aeration just due to the flows.

11 MR. JACK SIMMONS: So what that would  
12 indicate to me is it really is just kind of a  
13 localized tailwater issue that you-all have been  
14 working on and trying to improve the habitat?

15 MR. JASON YARBROUGH: Yes, that would  
16 be true.

17 MR. JACK SIMMONS: Lower down in the  
18 reaches when you get more riverine and into some of  
19 those impoundments, it's a lot better environment for  
20 the fish anyway, right?

21 MR. JASON YARBROUGH: Yes, much.

22 FACILITATOR WILSON TAYLOR: Will.

23 MR. WILL NELSON: Do we know what the  
24 data is above the lake?

25 MR. JASON YARBROUGH: Yes, we also

1 have data above the lake. I can't speak to that  
2 right now because I haven't been able to review it.  
3 I will be happy to get back to you with that data.

4 FACILITATOR WILSON TAYLOR: Other  
5 questions or comments for Jason?

6 Thank you, Jason.

7 MR. JASON YARBROUGH: Thank you.

8 FACILITATOR WILSON TAYLOR: Joe.

9 DFO JOE HOAGLAND: So I am going to  
10 try just quickly to talk a little bit about what our  
11 requirements are, and the folks over there on the  
12 wall will correct me if I get this wrong.

13 I think Linda had said yesterday that  
14 the TVA dams and everything, they were originally  
15 built before a lot of the other regulatory  
16 authorities and so forth came into being. So we are  
17 generally exempted from a lot of those because of the  
18 fact that we were here ahead of time.

19 However, under the TVA Act, as it was  
20 originally written, TVA was required to be, you know,  
21 a good steward of the resources within the Valley.  
22 So over the years we have done two things. We have  
23 strove to be a good steward, which is part of what  
24 you see in the improvements that we have been making.

25 Then we have also been -- while many

1 of the regulations and so forth we have not been  
2 directly applicable to, we have tried to be  
3 comparable with others in terms of the kinds of  
4 things that we do going forward given the limitations  
5 that we're trying to balance amongst the river  
6 system.

7 So to answer the question that was  
8 asked yesterday, from a legal perspective everything  
9 we're doing meets the legal regulatory requirements.  
10 We're not required by law to stock the trout into the  
11 river system.

12 Making sure the environment is  
13 healthy, making sure it's protected is something that  
14 I think we do have to do as part of the Act, and  
15 that's part of what Jason and all of his team strive  
16 to do.

17 And nobody shot me from the other  
18 side, so I must have got that mostly right. I will  
19 answer questions or they can answer questions if  
20 folks have any others.

21 FACILITATOR WILSON TAYLOR: All right.  
22 Thank you, Joe. So at this time what I would like to  
23 do is have the questions pulled up on the screen.

24 DFO JOE HOAGLAND: Wilson, could I  
25 make one more comment?

1 FACILITATOR WILSON TAYLOR: Sure.

2 DFO JOE HOAGLAND: One thing is -- I  
3 think I talked to several folks yesterday on the  
4 field trip and at dinner last night, but let me make  
5 sure I have said the same thing to everybody.

6 Part of what we're wanting to do with  
7 the Council today is to get your guidance and  
8 direction on where we should go to find a solution.  
9 Ourselves, the Fish & Wildlife, the states of  
10 Tennessee and Georgia have all agreed to work  
11 together over this three-year period that we have got  
12 this transitional funding to figure out what the  
13 solution is.

14 We are hoping and depending on you-all  
15 to help us define and set a course of action on how  
16 we go solving this solution. So if we actually get  
17 to a solution today, that would be really cool, but I  
18 am assuming we won't.

19 We would like your advice and  
20 direction for us to put -- as we put together a group  
21 to work on this amongst all of us. So this is going  
22 to be an ongoing activity and, you know, the advice  
23 that you-all provide I think will help steer us in  
24 one direction or another.

25 FACILITATOR WILSON TAYLOR: Thanks,

1 Joe.

2 Any follow-up comments or questions on  
3 that last comment?

4 Okay. So you see the questions here.  
5 I am not going to read the questions to you, but what  
6 I do want to do is highlight some key words that I  
7 think might be important for us to keep in mind.

8 In the first question, the fourth  
9 line, it talks about the ratepayers. So I think the  
10 key there is looking at the -- what we feel is the  
11 accountability or the level of support that the  
12 ratepayers that buy TVA power should have to put  
13 forth to pay for these programs.

14 The second question, the next to the  
15 last line, I think the key there is talking about a  
16 new financial model for sustaining stocking programs.  
17 We have talked about in the past we have had federal  
18 dollars provided. I think the key that this Council  
19 may be able to give some advice about is how do we  
20 create something that's a sustainable model?

21 And then the third question, again,  
22 the next to the last line, talks about sustaining the  
23 funding source. So not only a model but can that  
24 financial model be one that will continue to be  
25 sustainable going forward?

1                   And then finally in the last question  
2 getting your recommendations for individuals who you  
3 bring -- who you think would bring the right set of  
4 skills to give us the -- the information that would  
5 be able to point us to sustainable models and  
6 sustainable funding in regards to this topic.

7                   So with that in mind what I would like  
8 to do is just as a reminder, please get close to the  
9 mic when you're making your comments because we have  
10 somebody who will be capturing the comments for us.  
11 And also, if you would put your name tent up, then we  
12 will try to keep order in that manner.

13                   So, Jack, I think you had your card up  
14 and we will go with you.

15                   MR. JACK SIMMONS: Wilson, in the last  
16 question just as you're highlighting words, some that  
17 stuck out to me is the last two words on the page.  
18 The interagency MOA, is that something that this  
19 Council will get to look at or at least understand  
20 the provisions of because that might be helpful as we  
21 are try to craft this as to what you-all agreed to  
22 with each other.

23                   FACILITATOR WILSON TAYLOR: Thank you,  
24 Jack.

25                   Joe.

1 DFO JOE HOAGLAND: Yeah. So it's real  
2 simple. TVA's agreed to put in the money we talked  
3 about yesterday over the next three years, and the  
4 four parties have agreed to work together to come up  
5 with a sustainable solution.

6 We have agreed to put together a  
7 working group of appropriate stakeholders to work  
8 through that process, and we have agreed to  
9 facilitate that process as we go through.

10 There's a time line of roughly 18  
11 months to two years from now that we need to be  
12 showing some progress or clearly we have got to  
13 rethink what we're doing because as I said yesterday  
14 the -- when you think about growing fish you have to  
15 give some lead time. So we can't go right up to the  
16 very last day and decide, okay, this is not going to  
17 work or whatever.

18 Linda, anything you want to add?

19 MS. LINDA KELSEY: Only that all the  
20 parties have yet to sign that agreement. So it's  
21 still, I guess, considered draft, and then there's  
22 going to be that formal signing.

23 DFO JOE HOAGLAND: That's a good  
24 point. We haven't officially put that out yet, and  
25 we would ask that -- I think it's all there. It's



1 just a matter of getting the I's dotted and T's  
2 crossed with all the parties.

3 FACILITATOR WILSON TAYLOR: Thanks,  
4 Joe.

5 Avis.

6 MS. AVIS KENNEDY: A reference was  
7 made yesterday -- this goes to the first question. A  
8 reference was made yesterday to a debt owed to the  
9 sportsmen for lost fishing opportunities that were  
10 lost due to construction of the dams.

11 What I wondered is what kind of  
12 information is available about what the fishing  
13 opportunities were on the Tennessee and its  
14 tributaries prior to construction of the dams?

15 What is known about numbers and the  
16 species of fish on the river system compared to  
17 present total fishing opportunities on the system?

18 MS. LINDA KELSEY: As I said  
19 yesterday, some of these dams are fairly old and a  
20 lot of that data is non-existent or very hard to find  
21 specifics.

22 We have lots of data that show where  
23 we have lost species throughout the south due to --  
24 in some cases they have become endangered or lost  
25 from their habitat, but it's something that we would

1 have to go back and look within our own agencies for  
2 various studies and files. It's not something that  
3 we have readily available.

4 MR. FRANK FISS: We don't have a file  
5 on that.

6 MS. AVIS KENNEDY: Is there evidence  
7 of specific game fish species that were extricated?

8 MR. FRANK FISS: We could look at  
9 similar species or similar conditions in the region  
10 that haven't been impounded and make some inferences,  
11 but we don't know exactly how good a fishery was on  
12 the Clinch River or south of the Holston system. We  
13 compare it to maybe a Duck River today that may be a  
14 biased comparison one way or the other, we just don't  
15 know which way.

16 FACILITATOR WILSON TAYLOR: Will.

17 MR. WILL NELSON: I think one thing  
18 that we need to look at is that we did agree  
19 yesterday that there were trout stockings taking  
20 place above the lake and below the lake. Therefore,  
21 I think that it's -- what we have to look at is the  
22 amount of impact is greater now than it was when  
23 these dams were created.

24 Certainly, the population of fishermen  
25 is a lot larger now than it was before. I think it's

1 important to note that you stock them above the lake  
2 and below the lake. So to me the dam is irrelevant.  
3 If the fish weren't there to begin with and you put  
4 them there below the dam and above the dam, then to  
5 me the dam doesn't really matter.

6 FACILITATOR WILSON TAYLOR: Thank you.  
7 Russell.

8 CHAIR RUSSELL TOWNSEND: It seems to  
9 me that the questions that Avis and Will have  
10 proposed go directly to the issue that we have a  
11 historical conundrum on our hands. We require a lot  
12 of data to make a good decision about the health of  
13 the river environment below these dams, and that data  
14 probably just doesn't exist to the sufficiency to  
15 making a good decision.

16 So I think one of the things this  
17 Council needs to do is concentrate on the data that  
18 we have, try to identify additional sources of data.

19 I recall talking to residents of the  
20 Tellico River and the Little Tennessee River prior to  
21 the Tellico Dam impoundment who said the life on the  
22 river totally changed, and those were people that  
23 didn't go trout fishing at Tellico because their life  
24 of floating up and down the river, having their homes  
25 on the river, playing in the river, that had changed

1 when the Tellico impoundment was created and it had  
2 changed forever and it was never going back. So  
3 clearly they had a life they loved, and it didn't  
4 involve any trout at all.

5 The last comment I wanted to make is  
6 regarding Avis's comment on a debt to sports  
7 fishermen. I'm not sure that I can find a  
8 compatibility in my brain to think that that debt has  
9 not been paid for in other ways, navigation, power  
10 generation, flood control, things like that.

11 I don't know that you can say, trout  
12 fishermen, would you rather catch a trout today or be  
13 flooded?

14 I don't know that that trout fishermen  
15 who really loves trout fishing, until the water is 8  
16 feet up, that you can really make that decision  
17 logically.

18 So we have a lot to think about I  
19 think when it comes to looking at how we're going to  
20 advise TVA to solve this problem over the next three  
21 years.

22 FACILITATOR WILSON TAYLOR: Thank you,  
23 Russell.

24 Other comments or questions? So let's  
25 go to the first question, and

1                   again, not reading the whole question  
2 but just the last portion that says, "What additional  
3 levels of support should ratepayers have to pay for  
4 programs that go beyond simply improving the  
5 environment for recreational and economic gain? For  
6 example, fish stocking."

7                   So any comments from the Council on,  
8 you know, what level of support you think the  
9 ratepayers should provide? We will capture that.

10                   CHAIR RUSSELL TOWNSEND: Don't be shy.

11                   FACILITATOR WILSON TAYLOR: Phil.

12                   MR. PHIL HAZLE: I don't think the  
13 ratepayers ought to be involved in this unless it has  
14 something for every ratepayer.

15                   CHAIR RUSSELL TOWNSEND: Are we going  
16 to capture this?

17                   FACILITATOR WILSON TAYLOR: We will  
18 capture this. Let's capture that. So we will  
19 capture this and we will go to -- okay.

20                   Jack.

21                   MR. JACK SIMMONS: Well, that was a  
22 trick question because you know I have got a comment  
23 on that one.

24                   FACILITATOR WILSON TAYLOR: Yes, I  
25 know.

1 MR. JACK SIMMONS: I just think one  
2 thing we should consider or note is that since the  
3 mid to late '90s, I don't remember the date, the  
4 ratepayers have picked up an extra incremental amount  
5 for the non-power environmental stewardship  
6 expenditures in the Valley because of the deletion or  
7 the elimination of the appropriated money that TVA  
8 got for those purposes.

9 FACILITATOR WILSON TAYLOR: Okay.  
10 Tom.

11 MR. TOM LITTLEPAGE: Yeah. Wasn't  
12 that '99 when that occurred, fiscal year '99?

13 DFO JOE HOAGLAND: Yeah.

14 FACILITATOR WILSON TAYLOR: I think  
15 that's right.

16 Joe?

17 DFO JOE HOAGLAND: Yes.

18 FACILITATOR WILSON TAYLOR: That's  
19 good. All right.

20 Tom.

21 MR. TOM LITTLEPAGE: Yeah. I guess my  
22 thought in terms of answering this question is that I  
23 think Joe alluded to the fact that the staff was  
24 looking at trying to understand their legal  
25 obligations relative to statutory requirements, but

1 to me part of the answer of this question about what  
2 should the ratepayer be responsible for has to do  
3 with what is mitigation and what is, quote, economic  
4 development of a sport or industry and trying to  
5 delineate, you know, the idea of supporting an  
6 industry or activity that wouldn't have been there  
7 had the dams not been built and is not  
8 self-sustaining is a different question than trying  
9 to mitigate the impacts of what those dams did to  
10 those river systems.

11 FACILITATOR WILSON TAYLOR: Okay. All  
12 right. Thank you.

13 Mark.

14 MR. MARK HOMMICH: Yeah. My comments  
15 are along the same lines as Tom just made.  
16 Recognizing TVA's obligation for good stewardship of  
17 these resources, I just feel like that stocking trout  
18 that weren't there before and it's not a sustainable  
19 population, that kind of goes above and beyond that  
20 obligation.

21 To me, I don't want to get too  
22 political about this, but, I mean, there's a real  
23 battle going on in this country regarding budget and  
24 what we should be paying for and what we shouldn't be  
25 paying for and with the taxpayers and in this case

1 the ratepayers and, you know, I'm just not sure that  
2 -- this benefit's a relatively small group of people,  
3 as Tom pointed out yesterday, and I'm just not sure  
4 that it's something that we should be using public  
5 money or ratepayer money for given the budget  
6 constraints that we have right now and the decisions  
7 that we have to make.

8 I mean, we have all listened to the  
9 news here in the past couple of days about the air  
10 traffic control system and, you know, the cutbacks  
11 there. I really think we have got to evaluate our  
12 priorities and figure out what we are and aren't  
13 going to pay for, and I would -- personally I don't  
14 think this is supportable for ratepayer support.

15 FACILITATOR WILSON TAYLOR: Okay.  
16 Thank you.

17 Brad.

18 MR. BRAD KREPS: I was just thinking  
19 that there's probably some percentage of ratepayers  
20 who would be sympathetic to this issue, not all of  
21 them.

22 So, you know, I was talking to a  
23 couple of folks last night, I wonder if there's a  
24 model where you could explore -- well, first  
25 educating the ratepayers about the issue. I don't



1 know to what extent ratepayers even know this is an  
2 issue, but I think that would be important.

3 One, if the ratepayers were educated  
4 about the issue, there might be some percentage that  
5 would be willing to pay a little bit more to support  
6 this. I think that's maybe how the Green Power  
7 Program works. I haven't been in the TVA service  
8 area as a power buyer in awhile.

9 Maybe there's some option there where,  
10 you know, if you would like to contribute to -- maybe  
11 it's a broader natural resource stewardship fund,  
12 maybe it's not just specifically related to this  
13 trout issue, but if you provided information to your  
14 ratepayers and gave them an option of an additional  
15 \$5 or whatever it might be that would be a way that  
16 you could generate money. It wouldn't be a mandatory  
17 thing, but you could draw on the interest of some  
18 portion of your ratepaying community and that would  
19 allow you to generate funding for these types of  
20 things.

21 FACILITATOR WILSON TAYLOR: Thank you,  
22 Brad.

23 Russell.

24 CHAIR RUSSELL TOWNSEND: Thank you,  
25 Wilson. I think Brad is on to something there. I

1 think the ultimate solution is going to have to come  
2 from the folks that use this resource.

3 So that's something I think we need to  
4 concentrate on in one of the latter questions is  
5 exactly how you make that active portion of the  
6 population engage in helping to pay for this  
7 resource.

8 My comment though directed to No. 1 is  
9 as a Cherokee archeologist I know that TVA no longer  
10 gets these federal funds. So they are having to take  
11 care of their congressionally mandated stewardship  
12 responsibilities from ratepayer funding.

13 So when I look at the fact that TVA is  
14 spending money, ratepayer money, on things that are  
15 not mandated, when they are mandated by the National  
16 Historic Preservation Act of 1966 to protect  
17 archeological resources and the graves of our tribal  
18 ancestors, and I hear TVA people saying that I wish  
19 we had more money to stabilize these archeological  
20 sites that are washing down the river, I get a little  
21 bit upset that TVA is making management decisions to  
22 do something they don't have to do and that's taking  
23 money away from things they do have to do by law.

24 FACILITATOR WILSON TAYLOR: Thank you,  
25 Russell. If I could, let's go back to the comment

1 that Brad made earlier because I want to highlight  
2 that comment because we may be able to use that in  
3 one of the subsequent questions, that whole concept  
4 about having some additional opportunities for  
5 ratepayers to decide quote/unquote to fund these  
6 things. So let's highlight that in some way because  
7 we may be able to move that down to a later question.

8 Bill.

9 MR. BILL FORSYTH: I don't have a  
10 problem with that concept of facilitating some  
11 voluntary giving money for it, but it seems to me  
12 that TVA has gone above and beyond in making the  
13 tailwaters habitable to fish as finicky as the trout  
14 and that's — you know, we're making the rivers a  
15 better place than it was before if you grow trout or  
16 make them where trout can live in them.

17 FACILITATOR WILSON TAYLOR: Thank you,  
18 Bill.

19 Jack.

20 MR. JACK SIMMONS: Is it appropriate  
21 at this point to ask another clarifying question of  
22 our experts?

23 FACILITATOR WILSON TAYLOR: That's  
24 perfect.

25 MR. JACK SIMMONS: It goes back to a

1 comment that Mark made earlier about the hard  
2 decisions that are being made from a budget  
3 perspective.

4 I will go back to Linda's presentation  
5 yesterday from the U.S. Fish & Wildlife Service, one  
6 of the slides was talking about the service requires  
7 full-cost reimbursement. So it looks like somebody  
8 at the national level and in your organization have  
9 begun to make those kinds of assessments and  
10 decisions themselves.

11 The thought that those hard decisions  
12 have already been made at the U.S. Fish & Wildlife  
13 Service and beyond, is there any insights that we  
14 could learn from that decision process and your  
15 management chain decisions that this group could use  
16 to better inform the decisions that we're making here  
17 about how did you set the priorities of one program  
18 versus another and if the trout stocking was one of  
19 the programs that was cut it -- I just need some kind  
20 of idea of what kind of process that you-all went  
21 through and if there's anything that could be useful  
22 to us in prioritizing, if you will.

23 FACILITATOR WILSON TAYLOR: Thanks,  
24 Jack.

25 Linda.

1 MS. LINDA KELSEY: It wasn't  
2 necessarily a process. It was more that we were  
3 given directives from the Office of Management &  
4 Budget back in the early 2000's.

5 When Congress appropriated our funding  
6 the last couple of years, they had language specific  
7 in there that says to the effect that we're providing  
8 you this funding but we direct the service to seek  
9 also reimbursement from other federal agencies that  
10 built the water projects.

11 As I mentioned yesterday, we also have  
12 our own FACA group, the Sport Fishing, Boating &  
13 Partnership Council, that we have been working with  
14 for many, many years. A report that they provided to  
15 us back in the year 2000 also recommended that that's  
16 what the agency should do.

17 Because of the President -- because of  
18 what was already occurring in the western states when  
19 the Bureau of Reclamation and Bonneville Power, when  
20 those dams were constructed there was specific  
21 statutory language that made sure that those agencies  
22 reimbursed the Fish & Wildlife Service.

23 They recognized, O&B, Congress, our  
24 FACA group that Corps facilities and TVA facilities  
25 in the east didn't have that kind of specific

1 language and they wanted us to go back and set up  
2 those kinds of cost reimbursements because they felt  
3 it was the responsibility of those other federal  
4 agencies.

5 Now, at the time TVA was still  
6 receiving federal funds. That's changed. So that  
7 put a wrinkle in that. The Corps, as I said, agreed  
8 that, yes, that is their responsibility and, yes, we  
9 will provide you with the funding for that.

10 So the wrinkle in this is that TVA no  
11 longer receives federal appropriations. So they are  
12 no longer bound by the Fish & Wildlife Coordination  
13 Act, which is the law under which this type of  
14 activity is required.

15 MR. JACK SIMMONS: I think that's  
16 where I was too is the key thing was the directing  
17 other federal agencies to pay their share and then,  
18 as you said, TVA doesn't really get federal funds  
19 anymore even though they are a federal corporation.

20 So I guess the follow-up to that would  
21 be, do you-all provide stocking programs to  
22 non-federal facilities and are you getting the same  
23 kind of cost reimbursement from those types of  
24 situations?

25 Because if this is just about federal

1 facilities, I think there is a little carve out for  
2 TVA here because of the funding.

3 MS. LINDA KELSEY: We don't stock any  
4 other kind of facilities. We have stocking  
5 arrangements and agreements with the states as  
6 partners, but that's a separate issue. That's for  
7 fisheries management issues.

8 MR. JACK SIMMONS: Okay.

9 MS. LINDA KELSEY: And if I could just  
10 add one comment. I have a question. Are we, the  
11 speakers, allowed to ask questions and make comments  
12 as well or are you just seeking input from the  
13 advisory council? Otherwise, I will put my little  
14 sign down because I was going to say something  
15 earlier and I don't know what the rule is.

16 FACILITATOR WILSON TAYLOR: At least  
17 at this time because Jack asked you a specific  
18 question, but I will turn to my legal counsel. Did  
19 you hear that question, Kelly?

20 MS. KELLY LOVE: I suppose it's at the  
21 discretion of the Council and the Council's chair as  
22 to the level of participation. Obviously, we won't  
23 reflect these in our advice giving, but I would defer  
24 to Mr. Townsend.

25 CHAIR RUSSELL TOWNSEND: If there are

1 no objections from the Council, I would like to allow  
2 our expert guests to add comments to our thinking.

3 MR. TOM LITTLEPAGE: It depends on how  
4 tough the question is.

5 CHAIR RUSSELL TOWNSEND: Can we get a  
6 thumbs up vote on that?

7 Okay. Thank you. We would very much  
8 like to entertain your questions and comments.

9 MS. LINDA KELSEY: Actually, it's not  
10 a question and I am not providing advice, I just  
11 wanted to provide some clarification and follow up on  
12 a point that was made earlier by Brad about -- and  
13 following up on Mark's comment that -- and I have  
14 kind of forgotten the specific language that was put  
15 up there earlier, but it was talking about how this  
16 trout stocking was benefiting a small group, and I  
17 think you meant by that it was anglers perhaps.

18 Then Brad made the comment that, well,  
19 there might be -- No. 1, we should let the ratepayers  
20 know about this issue and there might be some  
21 ratepayers that are sympathetic to that issue.

22 I just want to go back and point out  
23 the economic benefit discussion that we had yesterday  
24 that really the -- it's not a small group. When you  
25 look at the people that are impacted by this, it's



1 not only the anglers, but it is the bait and tackle  
2 shops and it's the guides and it's the hotel  
3 mom-and-pop gas stations and restaurants.

4 So that \$1 equating to \$75 is reaching  
5 out and touching a lot of people, and many of them  
6 probably are ratepayers. So that's the only comment  
7 I wanted to make.

8 FACILITATOR WILSON TAYLOR: Thank you,  
9 Linda.

10 Avis.

11 MS. AVIS KENNEDY: Yes, I wanted to  
12 ask Linda a question. So if we were to look at the  
13 specific written guidance that was issued at the time  
14 that the decision was made to discontinue funding the  
15 hatchery program through Fish & Wildlife Services  
16 appropriated funds, we would find that wording that  
17 specifically said that the agency should seek to fund  
18 the program entirely from other federal agencies or  
19 was there a vision of additional sources of funding  
20 for the program?

21 MS. LINDA KELSEY: I have, and I can  
22 provide this to all of you as well, a listing of  
23 where those languages occurred in a GAO report in  
24 2000, from our FACA group in 2000, the O&B directive  
25 in 2002, I have -- I can share that with you-all at a

1 later point. I only have one copy with me today.

2 In all of that it only talked about  
3 seeking reimbursement from those other federal  
4 agencies. It didn't talk about any other sources or  
5 any other model.

6 FACILITATOR WILSON TAYLOR: Thank you,  
7 Avis.

8 Will.

9 MR. WILL NELSON: I want to clarify or  
10 just make y'all aware of one thing. Trout fishing is  
11 a passion to me and it is something that's near and  
12 dear to my heart, and I am one of the anglers that I  
13 guess is willing to pay some extra.

14 One thing to note, there are a lot of  
15 anglers that come and fish that are not ratepayers.  
16 I know if you look back in the Georgia DNR  
17 presentation it talked about anglers that drive more  
18 than 30 miles. We have a lot of folks that come out  
19 of different areas that are not ratepayers.

20 I like Brad's idea. I think there's a  
21 couple of other ideas that I think will come in  
22 another question of ways to pay for it.

23 FACILITATOR WILSON TAYLOR: Thank you,  
24 Will.

25 Tom.

1 MR. TOM LITTLEPAGE: Will kind of  
2 stole my thunder. I think it seems like we're almost  
3 trying to put Linda on trial here.

4 I think fundamentally we all support  
5 this activity. It's a beneficial and worthwhile and  
6 good activity. It's just wrestling with this in the  
7 context of obligations and authorities and how to  
8 create a sustainable funding model that is fair and  
9 equitable to all parties across the Valley, and  
10 that's the real challenge that we see here.

11 I just wanted to follow up a little  
12 bit on something that you asked with Jack regarding  
13 your work with the states. Do you treat that as a  
14 full-cost reimbursable or does Fish & Wildlife  
15 provide some cost share in terms of how it charges  
16 those states for those fishery activities?

17 MS. LINDA KELSEY: It's actually a  
18 mix. Right now we provide brood stocks to the states  
19 for trout management. In other cases we have what we  
20 call trade-offs, we provide them some fish for  
21 whatever purposes and then they provide something in  
22 return for us.

23 It really runs the gamut. It's a mix.  
24 It's not -- right now we don't require the states to  
25 pay us for everything that we do for them. That's

1 always been considered a part of our mission as an  
2 agency to do that with the states as our partners.

3 MR. TOM LITTLEPAGE: And I guess part  
4 of this is you mentioned your FACA group and that  
5 their recommendations dated back to when TVA had  
6 federal funding. Having you gone back to that group  
7 and addressed this issue at all or do you envision  
8 that as something worthwhile to do?

9 MS. LINDA KELSEY: As we speak our  
10 FACA group is right now putting the finishing touches  
11 on a new evaluation of our fisheries program, and  
12 that report should be coming out next month. In that  
13 they also, once again, touch on this issue.

14 I can't -- I am not sure I can recall  
15 exactly what they said in there again, but I know  
16 still insist that it is a responsibility of our  
17 agency to stock the fish provided we are provided  
18 reimbursement. I mean, they still feel that way as a  
19 group even though that report hasn't been released  
20 yet.

21 FACILITATOR WILSON TAYLOR: Thanks,  
22 Tom.

23 Russell.

24 CHAIR RUSSELL TOWNSEND: Thanks,  
25 Wilson. My question is directed to Linda as well,

1 not to put anybody on the spot, but I think you made  
2 a very good point reminding us about the overall  
3 economic benefits of this trout fishing program.

4           You and I talked last night briefly  
5 about how important that is to Cherokee and how our  
6 hotels and restaurants are full during trout season  
7 because of this trout fishing.

8           So my question to you, you said you  
9 were directed to seek federal funding, is there  
10 anything in any regulatory language that would  
11 prohibit you-all from seeking other kinds of funding?

12           MS. LINDA KELSEY: No, in general. We  
13 develop reimbursable agreements with other agencies  
14 for other activities depending on what it might be.  
15 In other words, we have entered into reimbursable  
16 agreements with the Corps for a development project  
17 somewhere that, you know, has -- we have an interest  
18 in. So there's nothing that seeks -- that prevents  
19 us from doing that.

20           MR. TOM LITTLEPAGE: Like borrowing  
21 from the states or from private industries.

22           MS. LINDA KELSEY: Or from states, no,  
23 we have what we call cooperative agreements with our  
24 states where we can provide funds to them where  
25 typically they give us money but it's normally if

1 we're partnering on a project where they are  
2 contributing a portion and we're contributing a  
3 portion.

4 I just also want to point out, and you  
5 mentioned the Cherokees, that part of our  
6 responsibilities in the fisheries program is also not  
7 only to work with our state partners, but we have  
8 tribal trust responsibilities. We provide the  
9 Cherokees with a number of broodstock eggs from our  
10 facility in Erwin and others and we also provide  
11 technical assistance and we also provide fish to the  
12 tribes.

13 CHAIR RUSSELL TOWNSEND: For which we  
14 are very grateful.

15 MS. LINDA KELSEY: And they don't pay  
16 us for that. We consider that part of our mission.

17 FACILITATOR WILSON TAYLOR: Thank you,  
18 Linda.

19 So just a quick process check because,  
20 Russell, your question led to the whole notion of  
21 sort of into the second question about the financial  
22 model. So I want to do a process check on question  
23 one to see what determination and what advice this  
24 Council is giving TVA about how much should the  
25 ratepayers pay for this.

1 So let's go back to the top of  
2 question one and sort of read through some of the  
3 commentary.

4 Russell.

5 CHAIR RUSSELL TOWNSEND: Please  
6 proceed.

7 FACILITATOR WILSON TAYLOR: So what  
8 additional levels of support should ratepayers have  
9 to pay?

10 Ratepayers should not be involved in  
11 this unless it benefits every ratepayer, have been  
12 picking up the amount since 1999.

13 Slow down and let's let everybody read  
14 those.

15 Everybody ready to keep scrolling?

16 CHAIR RUSSELL TOWNSEND: Yes.

17 FACILITATOR WILSON TAYLOR: Okay. So  
18 in reading what we've just discussed, Joe, there is  
19 an MOA that's in draft form, is there any language in  
20 there talking about what TVA will pay?

21 DFO JOE HOAGLAND: Well, the only  
22 language in there will be related to what TVA pays is  
23 the agreement for the money for the next three years  
24 as part of this transition.

25 FACILITATOR WILSON TAYLOR: Okay. So

1 we know what TVA already has on the line in terms of  
2 ratepayer dollars for the next three years. So with  
3 that in mind, in addition to what TVA is committing  
4 in the MOA for the next three years, I guess I would  
5 say, what additional commitment should the ratepayers  
6 make beyond that that we need capture in this  
7 question?

8 Karl.

9 MR. KARL DUDLEY: Just a question for  
10 Joe. What is the total amount of that obligation for  
11 the next three years?

12 DFO JOE HOAGLAND: I won't get it to  
13 the penny, but it's right around \$900,000 a year for  
14 each of the three years.

15 MR. KARL DUDLEY: Thank you.

16 FACILITATOR WILSON TAYLOR: So we know  
17 that amount is what TVA has committed. So what's  
18 this Council advice on that amount of additional  
19 amounts?

20 Russell.

21 CHAIR RUSSELL TOWNSEND: I, once  
22 again, think that over the next three years this  
23 Council needs to maybe be briefed on this as more  
24 information becomes available. From time to time  
25 maybe set another meeting on this subject for, you



1 know, a couple of three meetings down the road and  
2 get some more data because right now I told you what  
3 I think about mandated responsibility for TVA as  
4 opposed to voluntary responsibilities.

5 I think we really need to look at some  
6 of the economic data out there. I think we need to  
7 hear from the stakeholder group. I think we need to  
8 hear from more individuals that are producing this  
9 resource and counting on TVA for this resource before  
10 TVA can really make that decision.

11 So, you know, my recommendation with  
12 respect to how much more should the ratepayer pay for  
13 this is that it would require some extra study and  
14 extra data, but there would have to be a lot of  
15 mounting evidence before I could advise TVA to pay  
16 any more for this.

17 FACILITATOR WILSON TAYLOR: Thank you.  
18 Tom.

19 MR. TOM LITTLEPAGE: Well, I was going  
20 to suggest that as a procedural process that we kind  
21 of look at these next questions and then maybe come  
22 back and see -- you know, we look at what are some  
23 financial options or opportunities for new or  
24 sustainable funding mechanisms and then come back and  
25 see how they might impact the ratepayer.

1 FACILITATOR WILSON TAYLOR: Okay. So  
2 speaking of coming back, what we will do is we will  
3 take a short break, Russell, and then we will do that  
4 when we come back and we will be on question two.

5 How many minutes, Mr. Chair?

6 CHAIR RUSSELL TOWNSEND: Let's take a  
7 ten-minute break, everyone.

8 Thank you.

9 (Brief recess.)

10 CHAIR RUSSELL TOWNSEND: If I could  
11 get the Council to come to order once again we will  
12 move on to question two. We're making good progress,  
13 and I think we will have some good advice at the end  
14 of the day for TVA on how to proceed.

15 So I am going to turn things back over  
16 to Wilson and he will guide us through the discussion  
17 on question two.

18 Thank you.

19 FACILITATOR WILSON TAYLOR: Thank you,  
20 Russell.

21 And Beth is passing out information  
22 that Linda referred to earlier.

23 Linda, is that -- anything you want to  
24 add to that?

25 MS. LINDA KELSEY: No.

1 FACILITATOR WILSON TAYLOR: Okay. All  
2 right. Thank you.

3 So if we could pull up question two.  
4 I think we got into a bit of a discussion of that  
5 when Will made the comment about maybe having a model  
6 where some folks could contribute.

7 Will, if you would start us off in  
8 this discussion about the sustainable financial  
9 model.

10 MR. WILL NELSON: And I think Brad  
11 actually came up with the idea of having ratepayers  
12 pay something, and we talked about it a little bit  
13 there just a minute ago.

14 Obviously not everybody is going to be  
15 a ratepayer, but if we -- and Brad, I would like you  
16 to speak on this too because it was primarily your  
17 idea. I will let him talk about the ratepayer deal.

18 The other idea that we had was, could  
19 the TVA come up with a trout fishing stamp just like  
20 a federal duck stamp and that trout fishing stamp  
21 would be good for fishing any TVA stocked stream  
22 within the TVA system.

23 So I could buy a trout stamp from TVA  
24 and I can go anywhere and fish without having to go  
25 buy another state license in that area. Certainly

1 you're going to get the non-ratepayers with that. I  
2 would probably donate on-line and I probably would  
3 buy a stamp as well.

4 Brad, why don't you explain on the  
5 ratepayer option?

6 MR. BRAD KREPS: Well, I think as far  
7 as the ratepayers, this is kind of the point I made  
8 earlier about a voluntary option for the ratepayers.

9 I guess the other thing we were  
10 talking about was, you know, there's other, I guess,  
11 groups that benefit from the trout fishery. Y'all  
12 have mentioned like the localities, some of the  
13 commercial enterprises.

14 I know up in Bristol they are about to  
15 put in a Bass Pro Shop which is, you know, located  
16 pretty close to the South Holston tailwaters. So I  
17 think it would be useful to think about how you would  
18 identify other beneficiaries of this trout fishery  
19 and think about ways they might become part of the  
20 effort to fund this since a lot of that economic  
21 value is flowing into these localities or these  
22 particular commercial enterprises.

23 So in addition to the non-rate-paying  
24 sportsmen you have got perhaps non-rate-paying  
25 businesses and localities that also I think educating

1 and bringing them into the dialogue would be helpful.

2 FACILITATOR WILSON TAYLOR: Thank you,  
3 Brad.

4 Tom.

5 MR. TOM LITTLEPAGE: Yeah. I was kind  
6 of going to piggyback on those two. This concept  
7 that Brad threw out of an education program, I might  
8 propose that as a part of this MOA effort is a  
9 focused effort looking at how to provide awareness  
10 and education to folks about the nature of this issue  
11 and what are some ways to have tailored messages that  
12 may be different in the two states, Tennessee and  
13 Georgia, there may be different priorities or issues,  
14 but to have a tailor thing and then a fundamental  
15 component of that as Will talked about as an  
16 opportunity to do something, to contribute, a  
17 mechanism through some nonprofit, maybe it's a state  
18 specific nonprofit entity or something, but a way for  
19 people to react to that education program through an  
20 ability to donate or support the effort.

21 FACILITATOR WILSON TAYLOR: Russell.

22 CHAIR RUSSELL TOWNSEND: I think all  
23 of these questions and comments have been valuable.  
24 Speaking to Tom and Will and Brad's comments, I would  
25 like to get an understanding from TVA legal about

1 whether they could sell a stamp and how that stamp  
2 would be regulated by the various states that fishing  
3 might go on.

4                   And the other comment I would like to  
5 make with regard to this is, would it be better,  
6 since the waters are state waters, for the states to  
7 be involved in this MOA and the states to sell the  
8 trout stamp and take in the money for, you know,  
9 contributions for improving these opportunities for  
10 fishing and then should the states then reimburse the  
11 federal government for providing this resource?

12                   FACILITATOR WILSON TAYLOR: Kelly, do  
13 you want to respond to that legal question? And then  
14 we will go to Tom.

15                   MS. KELLY LOVE: It's probably not a  
16 very satisfying response in that I am really just not  
17 sure how that would work. So that's definitely  
18 something that to the extent you want to make that a  
19 part of your advice, I say throw anything and  
20 everything up there and we can sort out the  
21 legalities and how we can make that work later and  
22 maybe get creative.

23                   So is that fair?

24                   CHAIR RUSSELL TOWNSEND: Yes, that  
25 will work.

1 MS. KELLY LOVE: I'm sorry. I don't  
2 have a better answer for what.

3 CHAIR RUSSELL TOWNSEND: No. We will  
4 just go with what Brad said, can TVA sell a trout  
5 stamp and then that leads us down one path.

6 MS. KELLY LOVE: Thank you.

7 FACILITATOR WILSON TAYLOR: Thank you,  
8 Kelly.

9 Tom.

10 MR. TOM LITTLEPAGE: Yeah. I just  
11 wanted -- on the way that the bullet is written that  
12 I referenced, have a tailored way to charge, you  
13 know, the focus of that or that bullet is a  
14 coordinated effort towards an education and outreach  
15 campaign, and that didn't get reflected up here, to  
16 use the MOA forum as a way for the parties to have a  
17 dialogue on how or what message needs to go out and  
18 how best to do that. So the concept of education and  
19 outreach needs to be vetted in that point.

20 FACILITATOR WILSON TAYLOR: So could  
21 you say that again? Coordinated effort --

22 MR. TOM LITTLEPAGE: Towards education  
23 and outreach of the issues and the need for funding  
24 and how it may be tailored differently in the two  
25 states.

1 CHAIR RUSSELL TOWNSEND: Yeah. I  
2 would add in there some comment about a targeted  
3 audience.

4 MR. TOM LITTLEPAGE: Yeah. And then  
5 included in that is some mechanism to react in terms  
6 of the ability to contribute so you don't throw  
7 anything out there until you have some mechanism set  
8 in place, and it may be very well that the states  
9 have existing mechanisms that you can utilize to do  
10 that.

11 FACILITATOR WILSON TAYLOR: So did we  
12 capture it satisfactory?

13 MR. TOM LITTLEPAGE: I think that's  
14 better.

15 Then as just a separate point, is  
16 there a potential -- and I know this sort of goes  
17 contrary to Russell's comment about no potential  
18 funding, but is there a concept where maybe TVA looks  
19 at a match concept where there is a recognition of  
20 some aspect of a mitigation role in this.

21 So is there a potential for TVA to  
22 partner with the states essentially or for voluntary  
23 contributions and create a match so that they are not  
24 having to pony up the entire amount in the future?

25 FACILITATOR WILSON TAYLOR: And that



1 match would be matched funding?

2 MR. TOM LITTLEPAGE: Matched funding,  
3 yes.

4 FACILITATOR WILSON TAYLOR: So let's  
5 make sure we say matched or partner funding.

6 MR. TOM LITTLEPAGE: And it may not be  
7 50/50. Again, it goes back to this analysis of what  
8 constitutes TVA's fair share. Maybe it's a 70/30. I  
9 don't know.

10 FACILITATOR WILSON TAYLOR: Thank you,  
11 Tom.

12 CHAIR RUSSELL TOWNSEND: Tom, should  
13 that comment about the funding, perhaps a shared  
14 funding or matching funding, should that be a  
15 separate comment?

16 MR. TOM LITTLEPAGE: Yeah.

17 CHAIR RUSSELL TOWNSEND: We probably  
18 need to separate that out and put that in a new  
19 bullet.

20 MR. TOM LITTLEPAGE: Thanks, Russell.

21 FACILITATOR WILSON TAYLOR: Mark  
22 Iverson.

23 MR. MARK IVERSON: Just maybe a point  
24 of clarification. That last comment about matched  
25 funding, does that run contrary to our response in

1 the first question where we don't think ratepayers  
2 ought to be involved in this?

3 MR. TOM LITTLEPAGE: Well, I interpret  
4 the first comment as ratepayers only to the extent  
5 there's a TVA mitigation role or benefit and that's a  
6 — again, that's the general stewardship role that  
7 we're sort of walking around or tiptoeing around in  
8 terms of TVA's obligation in this arena.

9 How much of it is mitigation and how  
10 much of it is just economic development of the  
11 activity?

12 CHAIR RUSSELL TOWNSEND: I was just  
13 also going to add, Mark, that I think we kind of need  
14 to compartmentalize these questions and let TVA  
15 digest each series of answers kind of on their own.

16 You know, we gave them a general  
17 series of answers on No. 1, but No. 2 says if the  
18 Council believes such stock fisheries are essential  
19 or even if we believe that they are important, then I  
20 think the information that we're providing on options  
21 now becomes really vital for question two. So I  
22 think — let's lay it all out on the table for TVA.

23 FACILITATOR WILSON TAYLOR: Thank you,  
24 Russell.

25 Other comments or questions or advice

1 on question two about a sustainable financial model?

2 Will.

3 MR. WILL NELSON: I think -- just in  
4 the conversation that we had, I think it would be  
5 important to note the -- I feel like if we were to  
6 sell a license or a stamp through TVA I think the  
7 states ought to be the one to administrate it.

8 I'm looking just on the Georgia D&R  
9 hunting and fishing license. They have 10 or 15  
10 different categories to purchase license under. I  
11 don't think it would be very hard for them to add one  
12 more and put a TVA license fee, and then they could  
13 then return the money from the state to TVA to help  
14 pay for it. That would certainly save TVA some  
15 administrative costs.

16 FACILITATOR WILSON TAYLOR: All right.  
17 Thank you.

18 Russell.

19 CHAIR RUSSELL TOWNSEND: I don't want  
20 to talk too much, but I have one more idea. When  
21 they come into my head I think I better get them out  
22 there because they ain't going to stay there long.

23 You know, TVA gets money -- your  
24 rental monies from lake and river recreation folks,  
25 folks that go rafting, and they come to a TVA

1 campground and they come and bring a picnic to a TVA  
2 campsite and, you know, we saw some of those  
3 facilities yesterday.

4 Is there not an opportunity for TVA to  
5 use some of those monies collected for recreation to  
6 go to these activities, to go to trout fishing  
7 activities?

8 I mean, I'm sure the budgets are  
9 stretched pretty thin as it is, but, I mean, if we're  
10 talking about trout fishing as a recreation  
11 opportunity, is there a way to take some of that  
12 money that TVA is given in recreational fees and put  
13 it toward this project?

14 FACILITATOR WILSON TAYLOR: Thanks,  
15 Russell.

16 Will.

17 MR. WILL NELSON: Sorry. I forgot to  
18 take it down.

19 FACILITATOR WILSON TAYLOR: Okay.  
20 Tom.

21 MR. TOM LITTLEPAGE: Yeah. I guess  
22 part of the question -- the answer to that question  
23 though is, what does the staff do -- other than the  
24 way the dams are operated and environmental  
25 monitoring, is the staff doing anything over and

1 above to provide those sport fishing opportunities?

2 And if not, I think there's a  
3 challenge in trying to defer those dollars, license  
4 or rental dollars, to an activity that's really, you  
5 know, is just adding or taking away from them on  
6 something where they are already stretched.

7 FACILITATOR WILSON TAYLOR: Any  
8 comments, Joe, from TVA with respect to that?

9 DFO JOE HOAGLAND: No. I mean, I  
10 think it's a -- it's something we ought to look at.  
11 Somebody said a minute ago we should get everything  
12 on the table, and I think that's exactly right.

13 FACILITATOR WILSON TAYLOR: Mark.

14 MR. MARK IVERSON: I guess with  
15 respect to those rental fees, if I remember  
16 correctly, when we addressed that one or two meetings  
17 ago we advised to just adjust those fees because TVA  
18 wasn't collecting sufficiently to cover operational  
19 expenses on those programs. So that was -- maybe I  
20 have slept since then. So I thought that was the  
21 intent was just to fully cost recovery.

22 DFO JOE HOAGLAND: That's right. So  
23 those -- we're not getting anything extra off of  
24 those fees. I am not even 100 percent that we're  
25 covering them completely, but that's the idea.

1 FACILITATOR WILSON TAYLOR: Thanks,  
2 Mark.

3 Other comments or questions on  
4 sustainable financial model, if this Council believes  
5 that this is necessary and/or important?

6 So let's go ahead and look at No. 2.  
7 Let's go back to the top and scroll down and let's  
8 let the Council members look at the feedback so far  
9 and see if we need to add or take away or clarify  
10 further.

11 Okay. Any comments or additions or  
12 clarifications we need to make?

13 As a reminder, we will go back to the  
14 top and come back through all of these at the very  
15 end, but right now anything to add?

16 Okay. Thank you. Now, before we go  
17 to question three we

18 have one individual signed up to speak  
19 to the Council, Michael A. Oetker, Deputy Regional  
20 Director, U.S. Fisheries & Wildlife Service, in  
21 Atlanta. He's speaking on behalf of Dan Forrester,  
22 Director of Wildlife Resources, Georgia Department of  
23 Natural Resources.

24 So, Mr. Oetker, if you would come to  
25 the microphone.

1 MR. MICHAEL OETKER: Sorry. Good  
2 morning, everyone. Thank you for the opportunity to  
3 come up here and speak.

4 For those of you that I haven't met  
5 yet, I am the new Deputy Regional Director for the  
6 Southeast Region of the Fish & Wildlife Service.  
7 When I say new, it's three weeks in Atlanta now, I  
8 think today actually.

9 So I am very much learning about the  
10 issue that you have been deliberating, and I have  
11 been very impressed with the thoughtful discussion  
12 and the deliberations that you-all have been going  
13 through. It's very much appreciated. I know that  
14 this is a difficult challenge in front of the group.

15 So yesterday I don't know if you had a  
16 chance to know that not only was John here from  
17 Georgia DNR but also his boss, Dan Forrester, and Dan  
18 is the director of the Wildlife Resources of Georgia  
19 DNR. He was not able to stay for today, but he  
20 wanted an opportunity to address the group and ask if  
21 I would speak on his behalf. So I just want to read  
22 something. I brought this up so I can read it. I  
23 can't memorize what he wanted.

24 So Dan sent me a note and his  
25 statement is, "Georgia DNR very much appreciates and

1 values the federal partnerships with TVA and the Fish  
2 & Wildlife Service over the past several years to  
3 offset, maintain, and even improve the resource and  
4 recreational benefits of Valley projects.

5 The State of Georgia believes that the  
6 traditional model of non-state funding to support  
7 this federal project or federal projects should be  
8 sustained as a means to continue offsetting the  
9 impacts to the native resources and associated  
10 recreational opportunities.

11 Since dam construction provides broad  
12 societal benefits, the State of Georgia believes that  
13 it is not only appropriate but an obligation of the  
14 broader set of benefactors to support mitigation  
15 activities as opposed to shifting the funding  
16 burdened to a smaller group of targeted users.

17 We also believe that the stocking of  
18 trout solidly fits within TVA's mission, including  
19 recreation, economic development, and resource  
20 stewardship, and would be a value added and leveraged  
21 expenditures of any flexible funds to achieve the  
22 mission.

23 They or we look forward to  
24 participating in further dialogue and efforts moving  
25 forward."



1 Thank you.

2 FACILITATOR WILSON TAYLOR: Okay. Mr.  
3 Oetker, if you could hold on just a second. Any  
4 comments or feedback for Mr. Oetker? Questions?

5 Thank you, sir.

6 MR. MICHAEL OETKER: Thank you.

7 FACILITATOR WILSON TAYLOR: So what I  
8 would like to do now is go to question No. 3.  
9 Keeping the thing that Russell mentioned earlier to  
10 sort of compartmentalizing our thinking and the  
11 discussion, this question talk about what role should  
12 TVA and other resource agencies, non-governmental,  
13 user public, the states, et cetera, and even industry  
14 play in maintaining these hatcheries and then again  
15 it's talking about ensuring a sustainable funding  
16 source. So some relationship to the previous  
17 question, but it's bringing in industry as well.

18 So, Russell, do you want to start us  
19 off?

20 CHAIR RUSSELL TOWNSEND: Well, I just  
21 wanted to add to caveat that, you know, I think this  
22 question also leads into question four, which is  
23 building that stakeholders' group.

24 So I think as we consider our comments  
25 on, you know, what role TVA and others should play in

1 this discussion, I think we need to be thinking about  
2 all of those folks out there who have a stake in this  
3 industry and in this resource.

4 FACILITATOR WILSON TAYLOR: Thanks,  
5 Russell.

6 As you think about question three and  
7 question four, Russell, to your point, thinking about  
8 this stakeholder group, be keeping in mind that we  
9 will ask -- we would ask you in question four who do  
10 you recommend based on your constituents should be on  
11 this interagency working group.

12 So in question three let's talk about,  
13 what role should TVA and others play in this  
14 endeavor?

15 CHAIR RUSSELL TOWNSEND: If I could,  
16 Wilson, maybe I will get us rolling. I think that  
17 TVA needs to consider the environmental impacts,  
18 first and foremost, and not the economic impacts  
19 necessarily because I think TVA's role relating to  
20 stewardship really needs to focus on maintaining  
21 good, healthy aquatic environments, good quality  
22 water, good quality power, safe navigation, flood  
23 control, those things that are mandated.

24 So we probably need to see over the  
25 next period of time some real hard data on the

1 tailwaters and how they are impacted by trout fishing  
2 both positively and negatively and what the overall  
3 impacts would be because I think TVA's role is  
4 directly related to good quality.

5 One thing that I don't want to nitpick  
6 because I love Georgia DNR, but one thing that I will  
7 just tell you is that in Georgia DNR there was a  
8 petroglyph stolen from Hiwassee River in North  
9 Carolina and taken by a lawyer down to Atlanta where  
10 he was trying to sell this wonderful petroglyph stone  
11 about the size of one of these tables and Georgia DNR  
12 teamed up with us to conduct a sting operation and  
13 actually charged the man with an ARPA violation and  
14 recovered that petroglyph, which we are now in the  
15 process of putting back where it belongs.

16 So I love Georgia DNR, but one comment  
17 that I would make for the DNR representative was he  
18 said maintaining native resources, and rainbow trout  
19 are not a native resource. So I think we need to  
20 look very seriously at the native resource issue.

21 FACILITATOR WILSON TAYLOR: Other  
22 stakeholders in terms of what you feel from your  
23 perspective your constituent groups should contribute  
24 to this effort?

25 MR. TOM LITTLEPAGE: Well, yeah, I

1 will add to what Russell said because I hinged on  
2 that word too, and I think it's just fundamental to  
3 this discussion to recognize the distinction and the  
4 obligations of TVA relative to native or mitigation  
5 impacts, native species and mitigation impacts, and  
6 that may need to be some of what is discussed in  
7 terms of this MOA in terms of trying to delineate the  
8 obligations of trying to distinguish sport fishery  
9 support versus mitigation fishery support.

10 FACILITATOR WILSON TAYLOR: Thank you,  
11 Tom.

12 Russell.

13 CHAIR RUSSELL TOWNSEND: Sorry. Just  
14 one more thing. You know, it says local communities  
15 here, and I think this is important as we look at  
16 this over the next few years. Tellico Plains in  
17 Tennessee, probably half of its industry, half of the  
18 income of the town of Tellico Plains is probably  
19 directly related to use of the river and lakes around  
20 the area.

21 So I think when you're -- when you're  
22 constructing a stakeholder group and looking at how  
23 these folks want to be involved, these local  
24 communities like Tellico Plains should probably be  
25 engaged by the MOA constructors as a part of that

1 stakeholder group.

2           You know, we probably need to look at  
3 public meetings through the MOA process so that  
4 these, you know, non-governmental organizations and  
5 local communities have an opportunity to come and  
6 present their viewpoints and their input and  
7 concerns.

8           FACILITATOR WILSON TAYLOR: Okay.  
9 Thank you, Russell.

10           And I just have a question. Will, if  
11 I can follow up on a comment earlier. I think you  
12 said you were an angler. So you would be a member of  
13 the user public. I think the conversation went that  
14 you and Brad talked about in terms of having a stamp  
15 for trout.

16           Are there other things that the --  
17 other ways that the user public could contribute to  
18 this process from your perspective?

19           MR. WILL NELSON: The user public is  
20 going to contribute to local economies. I think that  
21 it may be difficult for them to actually contribute  
22 directly to the stocking of trout, unless there is  
23 some avenue. And I don't know what that avenue is, I  
24 am sure we can come up with something.

25           What Brad and I had talked about was

1 on the user or ratepayer's bill that he would have a  
2 way to donate not necessarily for trout stocking but  
3 for some type of environmental package if you want to  
4 say that to where he could maybe -- environmental  
5 stewardship, if you had a way to contribute to that.

6 As far as myself goes, I run into a  
7 lot of people that come fishing in North Georgia that  
8 are from the Atlanta market. How do we extract money  
9 from them because they are the ones that are using  
10 this and in some cases more than what the ratepayers  
11 are?

12 So the only way I see it would be able  
13 to license them in some way, shape, form or fashion.  
14 And if you look at it in Georgia, a license is not  
15 worth a lot to me there if I only have one or two  
16 streams to fish. If I can go fishing in Tennessee or  
17 wherever else, then I can go fish. I may go to  
18 Cherokee and I may buy a room up there or I may pull  
19 my camper up there and I may stay the weekend. I  
20 might even go gamble a little bit, Russell, if you  
21 want to meet over there.

22 I know Tellico Plains very well.  
23 Tellico Plains is a little more than a wide spot in  
24 the road. Any type of economic impact that we could  
25 have on them by supporting them through trout fishing

1 is all good. It's money they wouldn't normally get  
2 if we didn't have the trout there.

3 Non-native species, yes, trout are  
4 non-native species. White tailed deer in North  
5 Georgia are non-native species. Yet, we have them,  
6 and they are an economic driver.

7 So I guess my biggest thing is, and I  
8 am getting long-winded, I don't want to be made to  
9 feel like it's TVA fault that there's no trout here,  
10 and therefore, you should pay for the trout because  
11 it's your fault they are not here, I don't agree with  
12 that.

13 However, I do agree with if we can  
14 find a way to facilitate the stocking of the trout  
15 without a cost to ratepayers and we can be a  
16 facilitator, then I think that's a tremendous thing  
17 for TVA because it puts another feather in your hat.

18 FACILITATOR WILSON TAYLOR: Thank you,  
19 Will. Then you made one comment about -- and I want  
20 to say this kind of how you said it, how do we  
21 extract more from folks that are no local people that  
22 are coming in. So do we need to add that there in  
23 terms of as a user group?

24 MR. WILL NELSON: Yeah, I think so.

25 FACILITATOR WILSON TAYLOR: So let's

1 add that comment about how do we, you know, charge  
2 people that are not local for the use of the  
3 resource?

4 MR. WILL NELSON: Right.

5 FACILITATOR WILSON TAYLOR: Thank you,  
6 Will.

7 Tom.

8 MR. TOM LITTLEPAGE: I am going  
9 piggyback on that and say, is there an opportunity to  
10 investigate something like a corporate sponsorship, a  
11 Bass Pro Shop, you know, a large entity that has a  
12 regional interest or investment?

13 Obviously, the states or the federal  
14 government may have some problem directly  
15 facilitating that. So it may be you create an entity  
16 and work with them or groups like that.

17 Again, it comes into this focused  
18 education and outreach of who is your target, and as  
19 Linda alluded to, there's a number of beneficiaries  
20 out there for the -- that receive a benefit from  
21 this.

22 So how can we do that? And then as a  
23 secondary point I guess

24 I am thinking back to previous  
25 discussions and how we did mountain biking and how



1 TVA is looking to work with local groups on mountain  
2 biking.

3 Now, one of the big differences is  
4 there was an opportunity for groups to provide labor  
5 in terms of trail maintenance and supporting of  
6 creating of the venue and maintaining the venue.

7 Are there similar opportunities, I  
8 don't know, but it's the idea of at the local level,  
9 you know, and it seems like those typically work  
10 based on relationships at the local level,  
11 identifying who your key target folks were, and then  
12 making them aware of the problems, and then  
13 identifying ways for them to help. Some of it may be  
14 financial. Some of it may be non-financial.

15 But it's that model, you know, and  
16 we're talking about this, but really in the broad  
17 context of TVA's stewardship role it's that whole  
18 issue of the beneficiaries absorbing the costs  
19 associated with some of these programs that are not  
20 directly related to the impacts of the projects.

21 FACILITATOR WILSON TAYLOR: So just  
22 one point of clarification, Tom, are you — you  
23 mentioned the financial and non-financial. So the  
24 trail fixing, that's sort of an in-kind service?

25 MR. TOM LITTLEPAGE: Yeah.

1 FACILITATOR WILSON TAYLOR: So do we  
2 need to have that as a specific --

3 MR. TOM LITTLEPAGE: Well, I'm saying  
4 it's the relationships. Figure out who's out there  
5 both from the standpoint of corporate entities and  
6 hobbyists or entities representing that industry or  
7 hobby and figure out how you can get to them and then  
8 begin a dialogue, just make them aware of the problem  
9 and the program and the benefits, and to what degree  
10 can they offer -- because it's in their best interest  
11 or self interest to facilitate good fisheries.

12 It's reflecting that model that  
13 appears to me that TVA is successfully adopting of  
14 developing those local relationships and broadening  
15 that costs where TVA is just not looked at as the  
16 banker to facilitate every activity in the Valley.

17 FACILITATOR WILSON TAYLOR: Thank you,  
18 Tom. That creates sustainability because they own  
19 it.

20 Phil Hazle.

21 MR. PHIL HAZLE: There hasn't been  
22 much mention of Trout Unlimited, I think that would  
23 be a good resource for us to get plugged in maybe  
24 some, you know, donations or some of their expertise  
25 too with their organizations. They have one in each

1 state, plus the national.

2 FACILITATOR WILSON TAYLOR: So let's  
3 capture what Phil is saying. Does that capture it?

4 MR. PHIL HAZLE: Yes, that's fine.

5 FACILITATOR WILSON TAYLOR: Thank you.  
6 Brad.

7 MR. BRAD KREPS: Just to build on  
8 those last two comments. Two points, one, and I  
9 don't know that I can give you a specific example,  
10 but I am aware of different parts of the country and  
11 different places where there's been efforts to -- I  
12 think in most cases it's been out -- it's been open  
13 space protection has been the strategy, but I know  
14 some of the resort-based towns out west, and I think  
15 maybe even Watauga County, North Carolina, the local  
16 merchants -- there's an option when you go in and buy  
17 a raincoat or a water bottle there's an optional  
18 extra dollar that you can contribute to an open space  
19 fund for the county and it helps fund the acquisition  
20 and protection of those recreational areas that  
21 everybody is coming to enjoy in the first place.

22 So there might be some models that we  
23 can look at that would be related to that as far as a  
24 way to get, you know, a real specific strategy around  
25 corporate sponsorship or business sponsorship.

1           The other point I was going to make  
2 was Trout Unlimited was in my mind too. It just  
3 seems to me that one of the -- during this three-year  
4 period a really important step to take, and it would  
5 probably involve TVA and the state, the service, and  
6 maybe a group like Trout Unlimited, but some group I  
7 really think needs to help, you know, come up with a  
8 package that you get out to these target groups to  
9 educate them about this issue because I think you  
10 will be surprised what the kind of response you will  
11 get from these different affected groups if you put  
12 something in front of them that really helps define  
13 the issue for them.

14           That to me is just a really primary  
15 step. I think you would be amazed at the ideas that  
16 start to come together when people start to realize  
17 what's going on and what's at risk and what needs to  
18 be figured out. So an educational effort, I think,  
19 is really important on these groups.

20           FACILITATOR WILSON TAYLOR: Did we  
21 capture that, Brad?

22           Other comments or thoughts on question  
23 three either from user groups or industry?

24           What about industry, any thoughts from  
25 industry about a role you would like to play or that

1 you see that industry might be willing to contribute?

2 MR. TOM LITTLEPAGE: Yeah. It looks  
3 like the note from Brad's comments is a little  
4 misleading about local merchants. The merchants  
5 don't receive that dollar, right, that dollar is  
6 given to a county fund, did I understand that right?

7 MR. BRAD KREPS: That's right. So the  
8 merchant would give the customer the option to pay an  
9 extra dollar, but then it would be the merchant's  
10 responsibility to make sure that dollar finds its way  
11 into an appropriate fund.

12 MR. TOM LITTLEPAGE: Yeah.

13 FACILITATOR WILSON TAYLOR: So what  
14 are we going to put there, collect or --

15 MR. BRAD KREPS: That's a good catch.  
16 That's what I meant.

17 FACILITATOR WILSON TAYLOR: Thank you,  
18 Tom.

19 Joe.

20 DFO JOE HOAGLAND: So I just want to  
21 -- one thought that Brad had that I am not sure is  
22 captured up here was that just looking at the  
23 different models. You mentioned there's another -- I  
24 mean, that's one specific one, but there's probably  
25 -- so I think we need to look at the fact that there

1 are other places in the country where they are doing  
2 different things that, you know, maybe we could  
3 adapt.

4 FACILITATOR WILSON TAYLOR: Joe,  
5 research other models that might be helpful, is that  
6 a fair way to say that?

7 DFO JOE HOAGLAND: Yeah.

8 FACILITATOR WILSON TAYLOR: Thank you.  
9 Other comments or questions on question three?

10 Keep in mind as a Council that all of  
11 this advice you are giving you will be giving it to  
12 the MOA working group that will be doing this. So  
13 you won't have a lot of work to do. So you can come  
14 up with as many things as you want to in these first  
15 two questions.

16 Other comments or thoughts on question  
17 three?

18 So we will go to the top of question  
19 three and we will sort of read down and make sure we  
20 have captured all of the input.

21 Comments or questions or additional  
22 clarification?

23 Will.

24 MR. WILL NELSON: And we may have  
25 already stated, but what is the composition of the

1 interagency group that's going to be discussing the  
2 MOA?

3 DFO JOE HOAGLAND: So the folks that  
4 are in the MOA is TVA, Fish & Wildlife, Tennessee  
5 Wildlife, and then Georgia were the principals, but  
6 we have got to now put together a working group.  
7 That's part of what we're seeking advice from you—all  
8 is what things do we need to look at as we put that  
9 working group together?

10 FACILITATOR WILSON TAYLOR: Tom.

11 MR. TOM LITTLEPAGE: Yeah. As long as  
12 we're brainstorming, I will throw out another idea.  
13 In Alabama we have had great success with the concept  
14 of a trail. We have a golf course trail. We have  
15 actually a bass fishing trail. We have river  
16 navigation -- riverine recreation trails.

17 So I will just throw out the idea to  
18 consider an interstate trout fishing trail where you  
19 would advertise locations, holistically and use that  
20 -- you know, if you get corporate sponsorships from  
21 folks like Bass Pro Shops or Trout Unlimited, it may  
22 be a way to sort of tie all of that together.

23 FACILITATOR WILSON TAYLOR: Okay.

24 Thank you.

25 Russell.

1 CHAIR RUSSELL TOWNSEND: I would just  
2 like to add to Tom's comment because I think that's a  
3 brilliant suggestion. We have the Cherokee Heritage  
4 Trail that is part of the State of North Carolina and  
5 Tennessee working together to create that trail.  
6 There's the Blue Ridge Heritage Trail. There's the  
7 National Trail of Tears, National Heritage Trail.  
8 These groups are often directly associated with state  
9 government, and they are usually part of state  
10 tourism packages or promotions. It really does guide  
11 people to make a vacation around going to a set  
12 series of places that benefits multiple localities,  
13 and I think that's a brilliant idea.

14 FACILITATOR WILSON TAYLOR: Thank you.  
15 Tom.

16 MR. TOM LITTLEPAGE: Did you get that,  
17 Kim, it was brilliant?

18 CHAIR RUSSELL TOWNSEND: I did say  
19 that twice. So be sure two times.

20 FACILITATOR WILSON TAYLOR: Thanks for  
21 that clarification, Tom.

22 Let's go to question four.

23 MR. TOM LITTLEPAGE: While the note  
24 taker, it is critical to get your state tourism folks  
25 involved in this. I think that point Russell brought



1 out, that needs to be -- they are great at marketing  
2 and they understand who to talk to and get local  
3 folks involved. So that's a critical component.

4 FACILITATOR WILSON TAYLOR: Karl.

5 MR. KARL DUDLEY: Yes. If we could,  
6 scroll down to -- let's see. I believe Will made  
7 these comments. I really appreciate all of these  
8 great ideas, but there's one part of it that I am  
9 having a problem with where we talk about the  
10 ratepayer bills.

11 One of the greatest demands we have as  
12 a distributor of TVA power is access to our billing  
13 system, and this access is sought by many  
14 well-deserving and reputable groups. One thing we  
15 can't do is to start a system where we start asking  
16 for donations for 100 different groups.

17 They are all good things. Okay. I  
18 don't have any problem with the trout thing, but I  
19 would just ask Will to maybe reconsider putting that  
20 as part of the system, that it not be on the billing  
21 because, in fact, a lot of the customers in the  
22 Western District live closer to the Mississippi River  
23 than they do to the Tennessee. There's not a lot of  
24 trout fishing in the Mississippi River I have  
25 noticed.

1 I guess I would just ask that that  
2 part about the ratepayer -- access to the ratepayer  
3 bill be deleted, would that be permissible, Will?

4 MR. WILL NELSON: It really doesn't  
5 matter to me. I basically was throwing out  
6 brainstorming ideas, and it's not as a request, it's  
7 just an idea.

8 I know that on several bills that we  
9 get there are requests for donate to this and donate  
10 to that. I think we even have it on our Blue Ridge  
11 Mountain ENC bill. I can't remember what it was now.  
12 It may have been the green power thing.

13 If it doesn't relate and it doesn't  
14 seem to fit, then obviously I don't have a problem  
15 with deleting it. It's just throwing out an idea.  
16 If the group thinks it's not a good idea, then by all  
17 means it's fine with me to take it off.

18 FACILITATOR WILSON TAYLOR: Thank you,  
19 Karl. Thank you, Will.

20 MR. BRAD KREPS: Will, if I could add  
21 real quick, too. That was one of the reasons I  
22 thought maybe if TVA decided to do something like  
23 that it wouldn't be specific to trout, it would be  
24 something broader that dealt with TVA's natural  
25 resource stewardship responsibility, something like

1 that. It would be a broader fund.

2 I am like Will, I mean, I am just  
3 throwing out an idea for everybody to consider.

4 CHAIR RUSSELL TOWNSEND: I appreciate  
5 what Karl is saying certainly, and we don't want to  
6 make it any difficult -- any more difficult on the  
7 bill payer to get their bills paid on time and give  
8 them, you know, three pages of do you want to support  
9 this or that. I certainly can understand that.

10 As far as deleting it from the  
11 comments, I personally would like to see it left in  
12 because TVA needs to have all of the options it can  
13 and ultimately TVA may say, you know, Karl is  
14 absolutely right, putting that on the bill is not the  
15 thing to do, but I think it's still valid Council  
16 advice.

17 So if Karl or somebody wants to make a  
18 motion to remove it and we get a second, we will have  
19 a vote on it. Otherwise, we're going to leave it in,  
20 the comment.

21 FACILITATOR WILSON TAYLOR: Karl,  
22 let's go to Karl.

23 MR. KARL DUDLEY: I hadn't planned on  
24 debating this point. The only thing I say about the  
25 environmental charge, in fact, TVA has an itemized

1 charge on the ratepayers' bill and some of the  
2 electric systems actually put it as a single line  
3 that it is an environmental charge that we're paying  
4 to clean up some of the generation assets that TVA  
5 owns. So we have that charge.

6 We also have a charge for fuel costs  
7 that's separate from the power bill itself. So as  
8 you can see, trout is a good thing, but, in fact, on  
9 my desk right now is a request from several religious  
10 groups for contributions because people are having a  
11 hard time across the Valley.

12 So I am really concerned that this  
13 advisory group would even consider asking the  
14 distributors to lay something this -- with such a  
15 minimal impact on all of the other things that are  
16 going on, I guess, with TVA I would really feel like  
17 it's a disservice for us to even consider that, and I  
18 guess that's where I am at. I would make a motion  
19 for it to be deleted.

20 CHAIR RUSSELL TOWNSEND: We have a  
21 motion. Do we have a second?

22 MR. JACK SIMMONS: Second.

23 CHAIR RUSSELL TOWNSEND: We have a  
24 second. Let's vote. Thumbs up.

25 MR. JACK SIMMONS: I just want to --

1 first of all, I think Karl is bringing up a very good  
2 point and I want to look at the bill and remark on  
3 this as well.

4 FACILITATOR WILSON TAYLOR: Jack, if  
5 you could speak in the mic.

6 MR. JACK SIMMONS: I'm sorry. I think  
7 Karl has a very good point. I want to look to Bill  
8 and Mark as local power company representatives on  
9 this as well.

10 I think the thought obviously makes  
11 some sense. So I am not even debating whether that  
12 would make sense or not, but to Karl's point I will  
13 add another flavor for the group to understand is  
14 that's a local decision -- you know, Bill, as  
15 Chairman of your board or utility, the power board in  
16 Murphy, you decide what goes on the bill.

17 So even if the Council said, do this,  
18 this is not something that TVA is going to mandate  
19 that you do. You're going to have a 155 different  
20 solutions or responses to that across the Tennessee  
21 Valley. So I wouldn't want you to think that this  
22 would be a wholesale solution to that because it is a  
23 local decision on what goes on those bills.

24 So just understand the role there  
25 between what TVA can do and what they can require.

1 Even if we thought as a Council and TVA thought it  
2 was the right thing to do, it may not happen.

3 FACILITATOR WILSON TAYLOR: Russell.

4 CHAIR RUSSELL TOWNSEND: I appreciate  
5 what Jack said and what Karl said. We have a motion.  
6 I just -- I want to make it very clear that the  
7 Council is providing advice to TVA.

8 We are not required nor will we ever  
9 understand all the subtle nuances that each member  
10 brings to the table from their background and their  
11 knowledge.

12 So the question to me is, is this the  
13 advice from the Council to have TVA explore this as  
14 an option or is it so wrong that we don't advise TVA  
15 as a Council to explore this option?

16 FACILITATOR WILSON TAYLOR: Tom.

17 MR. TOM LITTLEPAGE: Just  
18 procedurally. So are you proposing -- there's some  
19 language at the bottom of where she's editing and  
20 then this language, what exactly are we voting on?

21 CHAIR RUSSELL TOWNSEND: It is my  
22 understanding that we are voting on to remove the  
23 clause that said TVA would explore adding a line to a  
24 bill allowing somebody to donate to the trout fishing  
25 costs.

1 MR. TOM LITTLEPAGE: Where is that?

2 FACILITATOR WILSON TAYLOR: I think  
3 it's right there that's highlighted.

4 CHAIR RUSSELL TOWNSEND: So there has  
5 been a comment made by Will and he said, you know, if  
6 he saw that at the bottom of the bill he would take  
7 advantage of it. He offered that as advice from the  
8 Council that maybe TVA should explore that.

9 So I believe Karl said he was troubled  
10 that we would even consider exploring that. I think  
11 Jack has supported Karl's statement and seconded the  
12 motion that that should not be in the Council's  
13 comments to TVA.

14 So the motion is: Do we leave it in  
15 as Council advice or do we remove it from Council  
16 advice?

17 FACILITATOR WILSON TAYLOR: Let's hear  
18 from Mark.

19 MR. MARK IVERSON: I would like just  
20 to provide a little bit more analysis with respect to  
21 ratepayer bills.

22 Jack is correct that, you know,  
23 something that would come from TVA, if TVA supported  
24 this and presented it in front of the distributors,  
25 there would be 155 local decisions as to whether they

1 adopt that program. That's true for the Green Power  
2 Switch Program. Distributors don't have to  
3 participate in that. They don't have to present that  
4 to their customers. I don't know what the  
5 participation rate is. I suspect it's high.

6           You may not get quite the same  
7 involvement because it's not necessarily a power  
8 related thing. So chance of success may be less,  
9 especially maybe as Karl indicated towards the  
10 western part of the TVA service territory where you  
11 don't have -- it's just not quite as much of a local  
12 issue.

13           The other challenge I think that you  
14 might want to think about with respect to getting  
15 people's attention, we just opened up a new general  
16 office and for at least a month have been putting  
17 statement stuffers inside people's bills instructing  
18 them on this date we will have a new office and this  
19 is where you need to pay your bill, doing other forms  
20 of advertising and there's just a very -- getting the  
21 attention span of customers is just a tough nut to  
22 crack. While this sounds like a nice idea, I just  
23 don't think you're going to generate a whole lot of  
24 activity.

25           And to Karl's point, we get lots of



1 requests to put this in the bill and just -- from  
2 that standpoint I guess trying to put a little point  
3 of it may not generate quite what you hoped that it  
4 would.

5 FACILITATOR WILSON TAYLOR: Brad.

6 MR. BRAD KREPS: I was just trying to  
7 clarify the original thought. So I guess, you know,  
8 the first question asked specifically around whether  
9 or not there should be -- the ratepayers should cover  
10 some of this.

11 My point was that I wasn't supporting  
12 the idea that there should be some sort of mandatory  
13 charge, rather, that there's some portion of  
14 ratepayers out there that would find TVA's natural  
15 resource -- that component of their mission  
16 compelling. I mean, there's definitely people out  
17 there that would respond to that, whether it's trout  
18 specifically or it may be something broader.

19 So my only point is that I guess I  
20 wouldn't advocate that TVA not consider options. It  
21 may not be that it shows up on a bill, you know, that  
22 may not be the right way to do it. I hear what  
23 you're saying about it's hard to educate people, but  
24 I would hate to see TVA take off the table the option  
25 of thinking about, you know, how can we somehow

1 educate people about this issue which might lead to  
2 some proportion of the ratepayers voluntarily  
3 contributing. So that's the general suggestion I am  
4 making that I think should stay under consideration.

5 FACILITATOR WILSON TAYLOR: All right.  
6 Will.

7 MR. WILL NELSON: I understand the  
8 power company's way of thinking. And Karl, I really  
9 respect you because I run a business and I have on a  
10 weekly basis five to ten people come in asking for  
11 donations. Once you give one donation out to one  
12 group it's like it's put on Facebook and You Tube and  
13 the Internet and if you go to Nelson Tractor they  
14 will give you some money or something. So I  
15 understand where you're coming from.

16 However, my understanding of the job  
17 of this Council is to provide ideas and advice and  
18 things to look at, and that's simply what this is.  
19 If you want to delete it, it's fine, but I think if  
20 we delete it, then we're putting restrictions on what  
21 we, as Council members, can say as ideas.

22 And if that's the way that it is, then  
23 that's the way that it is, but that's not my  
24 understanding of what this Council is. It's simply  
25 an idea. A good idea or a bad idea, it's just an

1 idea and it's something to look at.

2 So I would defer my vote on that since  
3 it's my idea, but that's all that it is, is an idea  
4 and something to look at.

5 FACILITATOR WILSON TAYLOR: So we will  
6 call for a vote in just a minute.

7 Kelly.

8 MS. KELLY LOVE: May I offer one  
9 point?

10 FACILITATOR WILSON TAYLOR: Kelly, if  
11 you would, let's get Avis's comment first.

12 MS. KELLY LOVE: Sure.

13 MS. AVIS KENNEDY: Thank you. I just  
14 wanted to think out loud a little bit. I understand  
15 that utilities are beset by people asking, you know,  
16 to reach their customer base to ask for donations,  
17 but it does seem to me as though the Council, TVA,  
18 and the electric utilities can distinguish between  
19 voluntary funding for a TVA program or a TVA related  
20 program and the trout hatcheries versus  
21 non-government organizations or non-profits. That  
22 seems like that's very different to me and that we  
23 could readily just say, yes, this is a way to fund a  
24 TVA program that's become executed by Fish & Wildlife  
25 Service and that's different from a church or, you

1 know, any other kind of nonprofit that's not a  
2 governmental entity.

3 FACILITATOR WILSON TAYLOR: Thank you.  
4 Kelly.

5 MS. KELLY LOVE: I was just going to  
6 remind everyone as a point of procedure, the Charter  
7 does provide for minority or dissenting views to be  
8 included in the materials that come out of this  
9 meeting and is part of the advice.

10 So however this particular issue is  
11 decided, I just wanted to remind everyone that that  
12 is another avenue for reflecting either side of this  
13 debate.

14 FACILITATOR WILSON TAYLOR: Thank you,  
15 Kelly.

16 CHAIR RUSSELL TOWNSEND: Thanks,  
17 Kelly. I think that's a good point. I think  
18 regardless of the way this vote goes Karl's comments  
19 about his concerns that power distributors be saddled  
20 with yet another opportunity for folks to voluntarily  
21 contribute, I think that needs to be reflected in the  
22 comments. We need to put his concerns in there one  
23 way or the other.

24 But the motion has been made to  
25 retract this from Council advice, retract the comment

1 that ratepayers -- TVA put this opportunity on a  
2 bill, it has been seconded, that motion has been  
3 seconded.

4 So what I would like to do is gather  
5 Council consensus, that's our mission is we're  
6 offering Council advice based on consensus. We're  
7 not always going to agree. Everybody here has made  
8 good, valid points, but the vote before us now is do  
9 we remove from Council advice the statement about  
10 adding this to a bill or do we leave it in there?

11 Jack has one more thing, and then I  
12 would like to call the vote.

13 FACILITATOR WILSON TAYLOR: Okay.

14 MR. JACK SIMMONS: Thank you. I just  
15 wanted to make a comment that I agree with Karl and I  
16 agree with everybody else that's here. The reason I  
17 seconded Karl's motion is I wanted the discussion  
18 which we have, and I would like to withdraw my second  
19 on the motion.

20 I guess I am doing that because I  
21 don't think we should vote on it necessarily. I  
22 think everybody is clear on what the Council needs to  
23 do. If nobody else seconds it, I think the motion  
24 dies and then we go on and we have captured what  
25 Karl's concerns are and what the Council's concerns

1 are.

2 CHAIR RUSSELL TOWNSEND: The second  
3 has been withdrawn. The motion did not carry. So  
4 now our mission is to make sure Karl's comments are  
5 correctly reflected in Council advice to TVA.

6 Karl, would you like to speak to that  
7 again and make sure we got what you were talking  
8 about?

9 MR. KARL DUDLEY: I think not. I  
10 think I have spent enough time addressing this issue.  
11 I don't think there's a consensus here and I can feel  
12 it. So I can -- I would like to say I really  
13 appreciate Will and Brad and some of the thoughts on  
14 this process.

15 I just -- you know, I represent a  
16 constituency of 155 power distributors and, you know,  
17 I wanted to at least share with this group and the  
18 diversity of this group that, you know, it's always  
19 easy to say let TVA pay for it but, in fact, when you  
20 say let TVA pay for it, TVA has to go to someone else  
21 to collect those funds. They don't have a system to  
22 collect those funds.

23 So every month on my system we go out  
24 and look for 4 or \$5 million that try to send into  
25 TVA, and we're one of the smaller ones. So there's

1 more to it than just saying, yes, let's offer it.

2 In fact, if instead of saying the  
3 ratepayers' bills, we had said that we would like to  
4 recruit the 155 power distributors to educate the  
5 need for this action, then I would have been the  
6 first one to say, yes, let's do that.

7 So I don't -- I think we have spent  
8 enough time on this. I apologize to everybody for  
9 wasting your time, but I was concerned and I think I  
10 had a responsibility to express that concern.

11 CHAIR RUSSELL TOWNSEND: Karl, you're  
12 absolutely right, and you have no reason to  
13 apologize. These are exactly the kinds of things  
14 that we need to discuss as a Council. TVA is relying  
15 on our advice, and I couldn't have said what you  
16 said. So your comments are well valid.

17 Thank you, sir.

18 FACILITATOR WILSON TAYLOR: Thank you,  
19 Karl. We were adding that last comment about  
20 recruiting 155 distributors, we will add that as a  
21 part of the advice just for that clarification.

22 At this point I would like to give us  
23 a break, but before we do that we have some local  
24 visitors, a county commissioner and city officials  
25 that are in the back, do you have any comments you

1 want to add?

2 Okay. Thank you. Thanks for being  
3 here. So, Russell, do you want to take a longer  
4 break for people to check out? How do you want to do  
5 that?

6 CHAIR RUSSELL TOWNSEND: Let's do  
7 that. It's ten after 10:00. We have got one more  
8 question to discuss and then we want to come back and  
9 go down the question list and make sure our advice is  
10 consensus advice and that we all agree that what we  
11 are submitting to TVA at the end of the day is the  
12 consensus advice of Council. So let's go ahead and  
13 take a 20 or a 19 minute break, something like that,  
14 and resume at 10:30 and we will deal with these last  
15 issues.

16 FACILITATOR WILSON TAYLOR: Thank you.

17 CHAIR RUSSELL TOWNSEND: Thank you.

18 (Brief recess.)

19 CHAIR RUSSELL TOWNSEND: All right.

20 If we can have the -- if we can have the Council to  
21 return to order, please. Come on in. We enjoyed the  
22 music this time, thank you, that's good stuff.

23 All right. So we're going to get  
24 going again. We're going to do question No. 4 and  
25 then go back and look at our total advice. Okay.



1 MR. TOM LITTLEPAGE: I think part of  
2 the post-meeting analysis needs to figure out if the  
3 music helps to stimulate to conversation.

4 CHAIR RUSSELL TOWNSEND: Well, I make  
5 a motion that it does. One thing I want to be sure  
6 — I got to thinking as I was packing up my room, you  
7 know, about these motions and Council advice and  
8 everything, nobody should take it personally.

9 I mean, if I am trying to represent  
10 Council advice and I say, let's kill all humans in  
11 the Tennessee Valley and make it better for the  
12 environment, that's probably some advice the Council  
13 will want to redact. So please make a motion, second  
14 it, and vote that one out because we don't want that  
15 one going in the record.

16 FACILITATOR WILSON TAYLOR: But  
17 anything else is fair game.

18 CHAIR RUSSELL TOWNSEND: Almost.

19 FACILITATOR WILSON TAYLOR: Almost.

20 MR. KARL DUDLEY: Almost.

21 FACILITATOR WILSON TAYLOR: So we're  
22 on question No. 4. This question sort of sums up the  
23 other three, which talks about from your perspective  
24 thinking about your constituents, who do you feel are  
25 the appropriate members to be on the hatchery

1 stakeholder working group envisioned by the MOA? So  
2 we can toss out some names and put those names up  
3 there for consideration.

4 Russell.

5 CHAIR RUSSELL TOWNSEND: That is what  
6 I was waiting on for the past few days because this  
7 is probably the only place I have knowledge on, real  
8 intense knowledge on this subject, but I think the  
9 prominence needs to be on the stakeholder team.

10 You know, this was all Indian land at  
11 one time. At one point in time this was Cherokee  
12 land we're sitting on right here. From 1751 on it  
13 was Cherokee land. So we need to consider the tribes  
14 and their positions in this not just because they  
15 might have some interesting viewpoints or comments  
16 but because it is mandated by law.

17 If TVA spends federal dollars, does  
18 something on federal land or issues a federal permit,  
19 tribal consultation is mandated under the National  
20 Historic Preservation Act of 1966. Probably NEPA as  
21 well needs to kick in and be required to involve with  
22 the tribe.

23 So we should have already seen a  
24 letter from TVA saying this is an undertaking and  
25 we're going to fund the trout program for three years

1 and we will not be using any monies that would go  
2 towards archeological stewardship, and then the  
3 tribes would comment, thank you for the notification,  
4 we will be involved in helping you resolve this  
5 issue.

6 So that should have already taken  
7 place, but the tribes of the region definitely need  
8 to be involved, federally recognized tribes.

9 FACILITATOR WILSON TAYLOR: So we will  
10 -- okay. She's adding that in, federally recognized  
11 tribes.

12 Other members that you want to  
13 recommend that you want part of the working group?

14 Will.

15 MR. WILL NELSON: What are the  
16 parameters as far as who we think should or should  
17 not be involved?

18 FACILITATOR WILSON TAYLOR: Joe.

19 DFO JOE HOAGLAND: Well, I think from  
20 my perspective it's stakeholders that have some sort  
21 of vested interest. Now, I know that's a really --  
22 after the last couple of days of conversation that's  
23 a pretty fuzzy gray area, but, you know, I think  
24 folks that are either direct beneficiaries or have to  
25 be direct -- who are directly involved from an

1 economic environmental perspective that would care we  
2 ought to consider.

3 FACILITATOR WILSON TAYLOR: Next.  
4 Thanks, Will. Thanks, Joe.

5 Other recommendations about who should  
6 be on this either by name or by organization? Who  
7 should be on this working group?

8 DFO JOE HOAGLAND: If we don't get any  
9 recommendations, I will just put you-all on there.

10 MR. ADAM KINSER: I think your local  
11 and state representatives should be on that.

12 FACILITATOR WILSON TAYLOR: Russell.  
13 Thank you.

14 CHAIR RUSSELL TOWNSEND: I just think  
15 a general list needs to be the state and the states  
16 that would be impacted and the appropriate resource  
17 agencies that they would like to see, direct  
18 sportsmen associations like Trout Unlimited. If  
19 there is an association of tackle shops, they need to  
20 be on there. You know, these kinds of groups are the  
21 kinds of groups.

22 I think that was a very good point  
23 that Adam brought up, we need state representation  
24 and the agencies that the state thinks should be  
25 involved, water quality, natural resources, those

1 types of groups.

2 FACILITATOR WILSON TAYLOR: Thanks,  
3 Russell.

4 Phil, did you have --

5 MR. PHIL HAZLE: He covered it.

6 FACILITATOR WILSON TAYLOR: All right.  
7 Thank you.

8 Tom.

9 MR. TOM LITTLEPAGE: I'd just  
10 reinforce what we have written up there in terms of  
11 corporate sponsorships looking at Bass Pro Shops,  
12 Dick's, Academy Sports, you know, some of those  
13 national chains that may from a PR standpoint want to  
14 participate, you know, I certainly wouldn't want to  
15 overlook those groups as well.

16 FACILITATOR WILSON TAYLOR: Thanks.  
17 Brad.

18 MR. BRAD KREPS: I was thinking if you  
19 look at a map of where the, you know, tailwaters are  
20 and figure out the local Chamber of Commerces that  
21 would be in those areas because if you could engage  
22 the executive directors or someone within leadership  
23 of the Chambers of Commerce they are going to have  
24 access to the business communities we talked about  
25 and the localities could be part of the funding

1 strategy. I think that would be a good way. I also  
2 agree with local and state representatives, but I  
3 think the chambers would be a good place to look at  
4 as well.

5 FACILITATOR WILSON TAYLOR: Thank you,  
6 Brad.

7 Other ideas? Tom.

8 MR. TOM LITTLEPAGE: Yeah. As along  
9 as we're throwing out stuff, some of the  
10 manufacturers or equipment manufacturers, throw them  
11 in there as well.

12 FACILITATOR WILSON TAYLOR: Will.

13 MR. WILL NELSON: I know we don't want  
14 or need to get too large a group of people, but I  
15 think if we can get some individuals or fishermen  
16 from local type areas.

17 I don't know if you have ever seen  
18 this, but do you know what a camel is? A camel is a  
19 horse designed by a committee. So I really like  
20 getting people together because I think if you -- it  
21 always can lead places that you necessarily don't  
22 intend to go.

23 I think in this you're going to have  
24 to do something like getting the localized people  
25 involved that are not associated with any

1 governmental agency.

2 FACILITATOR WILSON TAYLOR: Thank you.  
3 I think that speaks to the number of people on there  
4 because, I guess, the camel will look a lot different  
5 if you had a lot more people.

6 So Jack.

7 MR. JACK SIMMONS: This is not a  
8 recommendation personally, but somebody mentioned  
9 earlier doing something like a trail tour kind of  
10 thing, maybe get some of your tourism folks from your  
11 states on there.

12 FACILITATOR WILSON TAYLOR: Russell,  
13 you're up.

14 CHAIR RUSSELL TOWNSEND: I think  
15 addressing two of Will's points real quick. One is I  
16 think you have to have public input. At some point  
17 in time you have to go to these local communities and  
18 you have to say that we're having a meeting about  
19 this, come and give us your thoughts. I don't care  
20 if you're a trout fishermen or if you're, you know, a  
21 parishioner at a church that thinks trout fishing  
22 isn't very important, all of that public input is  
23 very important. There's a time and place for that.  
24 So public involvement needs to be part of this.

25 The stakeholder group, the larger it

1 is, in my experience, the better off you are because  
2 people that really truly have a vested interest will  
3 show up to these meetings and make comments and the  
4 people that really aren't interested in it won't and  
5 then because they were listed on the stakeholder  
6 list, if they didn't bother to show up, they don't  
7 have any reason to complain. So I think that's  
8 something that you have got to look at, too.

9 FACILITATOR WILSON TAYLOR: Thanks,  
10 Russell.

11 Mark.

12 MR. MARK HOMMICH: Yeah. Mitch isn't  
13 here. We all know what happens when you are not at a  
14 meeting. So I would like to nominate Mitch and his  
15 groups, the marinas, to do that from fishing and fuel  
16 sales and so forth.

17 FACILITATOR WILSON TAYLOR: All of  
18 those in favor?

19 Jack.

20 MR. JACK SIMMONS: Well, I was going  
21 to make a comment that you can't have a group like  
22 this and have 7,000 people on it. So maybe you do  
23 some kind of public input deal as well to get some of  
24 these folks represented that might not need a  
25 permanent seat. So that would be one comment.



1           The second comment I would have is  
2 that sometimes things get a life of their own and an  
3 expense of their own, and I think we have got to be  
4 real careful that we don't spend so much money on  
5 doing this kind of stakeholder review that it  
6 overwhelms the kind of money that we're talking about  
7 even funding a program with. So I am just cautioning  
8 people on that.

9           I told Karl at a break that I read an  
10 e-mail where the federal government had this remote  
11 location with some abandoned material and they wanted  
12 to protect it and they put up a fence and a hired guy  
13 on it. Then they had to get a job description, HR  
14 department, the payroll department, and when somebody  
15 does all of that support the budget was way too high  
16 and so they laid off the night watchman. So we have  
17 got to be careful.

18           CHAIR RUSSELL TOWNSEND: Did that  
19 capture your comment?

20           MR. JACK SIMMONS: Yes, except for the  
21 fact also making sure that we do this economically.

22           FACILITATOR WILSON TAYLOR: Okay.

23           CHAIR RUSSELL TOWNSEND: Can we add  
24 that?

25           FACILITATOR WILSON TAYLOR: Russell.

1 CHAIR RUSSELL TOWNSEND: And I am  
2 surprised we haven't said this considering what we  
3 have discussed this morning, but I think the power  
4 service providers have to be on there. If we're  
5 talking about any kind of ratepayer increase, I think  
6 you need all of your power service providers to be a  
7 part of the stakeholder group.

8 FACILITATOR WILSON TAYLOR: Okay.  
9 Other thoughts about who should be on the working  
10 group by name or by constituent group?

11 Mr. Chairman, we have a pretty good  
12 start. Do you want to continue on this or go back to  
13 the top?

14 CHAIR RUSSELL TOWNSEND: I think we  
15 need to go back to the top and go through that if  
16 nobody has any more comments.

17 You know, one thing I think we need to  
18 add on this one as far as constituent groups is we  
19 need to be sure that the federal agencies, whoever is  
20 involved, is bringing the scientific personnel to the  
21 table that are needed because there's data, there's  
22 scientific data that needs to be considered, possible  
23 outcomes that need to be considered before any  
24 stakeholder group could make any kind of decision.

25 So back to the top and then we will --

1 FACILITATOR WILSON TAYLOR: Back to  
2 the top.

3 CHAIR RUSSELL TOWNSEND: We will  
4 adjust them and give a thumbs up or thumbs down to  
5 whether we want to include them as comments to TVA.

6 FACILITATOR WILSON TAYLOR: Thank you,  
7 Russell. And do you want to read them silently each  
8 person or do you want to have our scribe read it out  
9 for the group? Just read it silently, perfect.

10 Let's go back to question one.

11 CHAIR RUSSELL TOWNSEND: Could we slow  
12 down just a little bit?

13 FACILITATOR WILSON TAYLOR: Slow down  
14 just a little bit, please.

15 CHAIR RUSSELL TOWNSEND: I'm slow.

16 MR. TOM LITTLEPAGE: Sorry to  
17 interrupt. Is there anything in there from staff's  
18 perspective, anything we have thrown out here today  
19 that is inconsistent with the NRP in our work and  
20 recommendations?

21 Is there any staff aspect in terms of  
22 something -- because it seems like most of this is  
23 pretty consistent with some of the background  
24 materials. If there's something inconsistent, I  
25 think we would benefit by knowing it.

1 DFO JOE HOAGLAND: I'm not aware of  
2 anything.

3 MR. TOM LITTLEPAGE: Okay.

4 CHAIR RUSSELL TOWNSEND: We can go  
5 down. Let's go ahead and scroll to the next  
6 viewpoints. Yeah. I think that's good.

7 Has everybody read through these?  
8 Let's just -- before we go too much

9 further, let's go ahead -- if anybody  
10 sees anything let's go ahead and raise your card so  
11 that Wilson can call on you and we can make  
12 adjustments to the wording if it's needed.

13 If it's not needed, if we get to the  
14 end of a question series, why don't we just do one  
15 thumbs up or one thumbs down to the question unless  
16 there are issues specifically brought up in the  
17 meantime about each one of these bulleted points,  
18 does that sound fair?

19 FACILITATOR WILSON TAYLOR: Perfect.

20 CHAIR RUSSELL TOWNSEND: I think we're  
21 good there. Does this lead us to question two?

22 FACILITATOR WILSON TAYLOR: It does.

23 CHAIR RUSSELL TOWNSEND: We have read  
24 the advice for question one. Nobody seems to have  
25 had any comments about the wording or the specific

1 recommendations.

2 Do we have a motion to approve this  
3 advice to TVA?

4 MR. TOM LITTLEPAGE: Yes.

5 CHAIR RUSSELL TOWNSEND: Tom gives us  
6 the motion.

7 Do we have a second?

8 MR. MARK IVERSON: Second.

9 CHAIR RUSSELL TOWNSEND: Okay. Mark  
10 seconded that. So all of those in favor of question  
11 No. 1 recommendations going forward as discussed,  
12 thumbs up? Those opposed? Okay. Thank you. We  
13 have addressed question one.

14 Question two, let's pull up -- if we  
15 can pull up two or three bulleted points. In reading  
16 the first two, you know, I think this is good advice  
17 that TVA can kind of take and run with it because,  
18 you know, offered donation options on-line as well,  
19 and that can lead into the whole avenue of, you know,  
20 public outreach and public education on these issues,  
21 where do you go with this, how do you get it out to  
22 the public. So I think that's what we're looking  
23 for.

24 FACILITATOR WILSON TAYLOR: Tom.

25 MR. TOM LITTLEPAGE: I would recommend

1 on that second -- before you scroll, the second  
2 bullet. Let's see here. Scroll back up. On the  
3 second bullet we have trout industries, insert trout  
4 fishing industry for clarification on that third  
5 line.

6 CHAIR RUSSELL TOWNSEND: Right there,  
7 trout fishing industry. I think that's a good  
8 clarification. I would stop with that bullet on have  
9 a tailored way.

10 FACILITATOR WILSON TAYLOR: So right  
11 here where it says -- the highlighted section, we're  
12 trying to figure out was that advice or was it just a  
13 comment that we captured and do we want to reword  
14 that as advice or delete that? I can recall who made  
15 that -- asked that question.

16 MR. TOM LITTLEPAGE: I think that  
17 point was stuck in on something I read, and it had to  
18 do with diverting TVA recreational revenue to divert  
19 some of this toward that activity. The question was:  
20 Is TVA currently undertaking any -- I don't want to  
21 call it dispersed recreation, I don't know how you  
22 characterize this, within their existing programs?

23 My sense is they really weren't. Most  
24 of the work had to do with reservoir operations.  
25 There wasn't a lot of maintenance and trail issues we

1 talked. So it was just a question of looking at this  
2 issue if TVA was going to take -- and I think the  
3 point was made they are already underfunded in that  
4 area and to try to stretch it and get more dollars  
5 for that, I didn't see the ability to do that.

6 FACILITATOR WILSON TAYLOR: Can we  
7 delete that one?

8 Jack.

9 MR. JACK SIMMONS: I'm not saying  
10 delete it or not delete it. I think what I read from  
11 that maybe you can turn it around and say that what  
12 the Council or at least what one member of the  
13 Council recommends is that TVA identify what you are  
14 doing now in the sport fishing and sport in general.

15 I listened yesterday where they talked  
16 about the work they were doing on some of the game  
17 fish sampling they do. I think it goes sometimes  
18 unnoticed that TVA already has a budget and an effort  
19 to enhance sport fishing.

20 Let me just say it this way: You have  
21 other sport fishing opportunities besides trout  
22 fishing in the Valley that TVA is very supportive of  
23 for the native species. The non-native like trout  
24 you support that like with the releases improvement  
25 program and all of the tailwater quality

1 improvements.

2 So I think TVA needs -- they are  
3 already spending a money to support the fisheries in  
4 the Valley and that might help the argument for those  
5 opponents that come in and say that you need to do  
6 this because you haven't done anything and just look  
7 at the trout program.

8 Does that make sense?

9 FACILITATOR WILSON TAYLOR: It makes  
10 sense. So we're changing that to reflect that  
11 revision.

12 Tom, does that capture it?

13 MR. TOM LITTLEPAGE: Great point.

14 FACILITATOR WILSON TAYLOR: Okay. So  
15 we can unhighlight that and use that as advice.

16 Thanks, Jack.

17 MR. JACK SIMMONS: It's just more  
18 native because the tailwater work they are doing on  
19 water quality is supporting more than that.

20 CHAIR RUSSELL TOWNSEND: Native and  
21 other species, does that work?

22 MR. JACK SIMMONS: Yes.

23 CHAIR RUSSELL TOWNSEND: Has everybody  
24 read the comments and advice on this page?

25 Let's go down to the next group of



1 bullets. Okay. We have one more.

2 Has everybody offered comments and  
3 changes on the advice that we're offering TVA on  
4 question No. 2?

5 Do I have a motion to accept the  
6 advice on question two?

7 MR. KARL DUDLEY: Yes.

8 CHAIR RUSSELL TOWNSEND: We have got  
9 that from Karl.

10 Do we have a second?

11 MR. TOM LITTLEPAGE: Second.

12 CHAIR RUSSELL TOWNSEND: We have a  
13 second from several, Tom and others. So all those in  
14 favor, thumbs up, please. All those opposed, thumbs  
15 down.

16 Thank you. The advice for question  
17 two is approved, and we will move on to the advice  
18 for question three.

19 I might on the first one suggest that  
20 from necessarily we change the word necessarily right  
21 there to not only.

22 MR. TOM LITTLEPAGE: I don't know what  
23 the wishes of the Council would be, but I am not sure  
24 I like the word seriously. Maybe to be considered at  
25 a higher priority over non-native or some other

1 alternative wording.

2 CHAIR RUSSELL TOWNSEND: Okay. That  
3 looks good. Thank you, Tom.

4 And you know, one thing that I have  
5 noticed that's come up again and again throughout the  
6 questions we have looked at is the term mitigation.  
7 I think when we revisit this question we'd really  
8 like to hear from TVA and the other federal agencies  
9 with respect to what is being mitigated by the trout  
10 programs and whose responsibility is this mitigation.

11 You know, there's a lot more to learn  
12 on that issue. I don't think that belongs in any of  
13 this advice, but I think it's just general advice to  
14 TVA.

15 FACILITATOR WILSON TAYLOR: Okay.

16 CHAIR RUSSELL TOWNSEND: Has everybody  
17 been able to read these?

18 Scroll down. Okay. And one thing I  
19 would like -- I

20 see that I would like to change right  
21 now is I would like to change the term minority  
22 viewpoint to dissenting viewpoint because I think  
23 when you're representing 150 power companies you may  
24 not be in the minority.

25 FACILITATOR WILSON TAYLOR: Thanks.

1 And from a process standpoint on the break, Karl and  
2 Will and I talked and we agreed that we would move  
3 that discussion talk up to here to show -- to link it  
4 to the recommendation that Will made. So we're  
5 showing Will's comment as an option but also showing  
6 that dissenting viewpoint. So we want to connect  
7 those and make sure it's clear when people read the  
8 record.

9 CHAIR RUSSELL TOWNSEND: Has everybody  
10 had an opportunity to read on down?

11 Let's go on and pull up and view more  
12 bullets. Any comments on these bullets?

13 Let's go on down then. Scroll down a  
14 bit.

15 FACILITATOR WILSON TAYLOR: Mark.

16 MR. MARK HOMMICH: I just wanted to  
17 add a side to the comment about the trout trail. I  
18 think anything we do here that might promote  
19 fishermen out on the waterway, I think there needs to  
20 be a recognition that there's joint users of the  
21 waterways.

22 I am talking in particular about the  
23 barge industry. There may need to be an increased  
24 focus on safety if you're going to bring more  
25 fishermen out to the waterways because there is a

1 real safety concern there. After every season  
2 there's a couple of fishermen that gets run over by a  
3 barge.

4 FACILITATOR WILSON TAYLOR: Thanks,  
5 Mark. As Joe echoed, that's TVA's number one value,  
6 safety. So I think that's great advice.

7 CHAIR RUSSELL TOWNSEND: Did that  
8 capture what you were looking for, Mark?

9 MR. MARK HOMMICH: Yeah, I think so.

10 CHAIR RUSSELL TOWNSEND: Thank you.  
11 Has everybody read these bullets here?

12 Any further comments? Let's scroll on  
13 down then. Okay. So

14 we have reviewed all of the advice for  
15 question No. 3.

16 Do we have any comments and changes  
17 that were not made?

18 Do we have a motion to provide the  
19 advice on question No. 3 to TVA?

20 MR. KARL DUDLEY: Yes.

21 MR. TOM LITTLEPAGE: Yes.

22 CHAIR RUSSELL TOWNSEND: It's moved  
23 and seconded.

24 All those in favor, thumbs up. All  
25 those opposed, thumbs down. So we have advice for

1 question No. 3

2 for TVA. Let's look at question No. 4

3 and the

4 bullets there regarding the

5 stakeholder working group.

6 Does TVA — at this point in time I

7 would like to ask TVA and the other federal agency

8 represented here, I guess U.S. Fish & Wildlife, if

9 they have any overarching concerns about the

10 stakeholder group or the size that we need to be

11 aware of before we make our ultimate advice to TVA?

12 Okay. So let's look at these bullets.

13 FACILITATOR WILSON TAYLOR: Tom.

14 MR. TOM LITTLEPAGE: Yeah. Just to

15 kind of follow up what Jack said, I mean, we're not

16 — I don't contend this recommendation to be that

17 we're proposing this mass group. I think there's

18 some latitude in these recommendations to have a

19 staggered organizational approach with some executive

20 committee oversight and then maybe a survey.

21 It's the idea of involving these folks

22 but not necessarily to the point where every single

23 person has to be a massive committee. So we're just

24 trying to recommend who to outreach to and leave it

25 up to the decision makers how best to integrate that

1 input.

2 FACILITATOR WILSON TAYLOR: Phil.

3 MR. PHIL HAZLE: I noticed we have  
4 named some businesses and places there specifically.  
5 We're going to probably leave some out. If we could  
6 maybe think about rewording that to the retail  
7 fishing supply outlets because I am sure there's some  
8 that's not on there that might take offense.

9 CHAIR RUSSELL TOWNSEND: Sure. I  
10 think that's a good point and it does cover it.

11 FACILITATOR WILSON TAYLOR: Thanks,  
12 Phil.

13 Jack.

14 MR. JACK SIMMONS: The same comment on  
15 the bait and tackle shops, you might also want to put  
16 outfitters and guides and things like that, too.

17 FACILITATOR WILSON TAYLOR: Thank you.  
18 Will.

19 MR. WILL NELSON: We may be splitting  
20 hairs, but your retail and your bait and tackle shops  
21 to me are the same thing.

22 DFO JOE HOAGLAND: Good point.

23 MR. WILL NELSON: I think what we may  
24 be looking at is I think retail fishing suppliers  
25 probably, but I don't know if you want to look at

1 manufacturers and retail or distributors and retail.

2 CHAIR RUSSELL TOWNSEND: That's  
3 probably a good point, Will, and it would probably be  
4 good to go up to that point on retail fishing and say  
5 retail fishing and manufacturing supply outlets.

6 MR. WILL NELSON: We have  
7 manufacturers down about four lines and we need to  
8 take that out.

9 CHAIR RUSSELL TOWNSEND: Does that  
10 suit everybody?

11 All those in favor of removing that  
12 one, thumbs up?

13 It looks like it's already happened.  
14 So we will go with that. You're ahead. I like  
15 somebody who is on the ball.

16 Okay. I think we have looked at these  
17 bullets. Do we need to go on down? We have got a  
18 few more bullets.

19 FACILITATOR WILSON TAYLOR: Jack.

20 MR. JACK SIMMONS: I would probably  
21 change power service producers to -- the broadest way  
22 maybe to say it is the electric consumer advocates,  
23 or if you want to get specific, the local power  
24 companies. I'm not sure what is the right word  
25 there, but I think power service providers is not the

1 right term. I guess I would ask for Karl, Bill, and  
2 Mark to add comments on that.

3 MR. KARL DUDLEY: I think that would  
4 be applicable there.

5 FACILITATOR WILSON TAYLOR: Karl,  
6 could you repeat that?

7 MR. KARL DUDLEY: I think that looks  
8 acceptable there, local power company representation.

9 MR. JACK SIMMONS: Karl, the only  
10 thing I would add to that is there's probably other  
11 electric consumer advocates in the Valley besides  
12 just the power distributors.

13 You know, I don't know how to describe  
14 that, but like today some of our members are meeting  
15 with the Association of the Tennessee Valley  
16 Governments and they are very concerned about the  
17 rates. So there is a larger group than just the  
18 distributors of TVA that represents the customers.

19 CHAIR RUSSELL TOWNSEND: Does the way  
20 the bullet has been adjusted, does that your suit  
21 your concerns?

22 MR. JASON YARBROUGH: That's good.

23 FACILITATOR WILSON TAYLOR: Russell.

24 CHAIR RUSSELL TOWNSEND: You know,  
25 once again, we have been asked to look at a hatchery



1 stakeholders working group and, you know, I think  
2 it's ultimately going to be up to the federal  
3 agencies to decide who is and who is not on these  
4 working groups, and we have had comments ranging from  
5 let's keep it focused and small to let's let  
6 everybody in the door.

7 I want the advice that we're offering  
8 on No. 4 to kind of reflect the overall Council  
9 advice. So let's make sure it captures that because,  
10 you know, when you think about hatcheries you think  
11 very small, but then when you reflect on the number  
12 of people this industry impacts and affects you start  
13 to throw a lot more folks into the mix.

14 So I think you can go both ways. So  
15 let's think about our advice carefully.

16 Do we need to revisit any of these  
17 bullets?

18 Do we need to add anything?

19 FACILITATOR WILSON TAYLOR: Will.

20 MR. WILL NELSON: We haven't really  
21 talked about the actual hatcheries themselves very  
22 much, and there are local people that work at those  
23 hatcheries on a daily basis. I don't know where you  
24 would put some input about them in there and their  
25 livelihood.

1                   Certainly, I think yesterday, I'm not  
2                   sure which representative it was that told us that  
3                   they basically closed a hatchery, and when you do  
4                   that people that work those hatcheries don't have a  
5                   job. So that's something I think we need to bear in  
6                   mind with, too.

7                   CHAIR RUSSELL TOWNSEND: Will, I think  
8                   that's a very good point. When we talk about -- if  
9                   we can go up towards the top of that a little bit,  
10                  states impacted and appropriate resource agencies,  
11                  would that -- I am asking everybody here to answer my  
12                  question, or anybody who knows the right answer  
13                  rather, would that include the groups Will is talking  
14                  about?

15                  Would that include the operators of  
16                  these hatcheries and allow them to provide input into  
17                  this process?

18                  So that first bullet up there, the  
19                  states being part of this group that are being  
20                  impacted and the appropriate resource agencies, I'm  
21                  thinking that's providing the eggs, providing the  
22                  fish, the fingerlings and so on, does that cover that  
23                  do we feel?

24                  Specifically for you, Will, does that  
25                  --

1 FACILITATOR WILSON TAYLOR: Linda has  
2 got a comment.

3 MS. LINDA KELSEY: Frank and I were  
4 just discussing that. I think we could have a  
5 hatchery manager on the working group, but I think  
6 they would be there more to advise the working group  
7 on more of the technical aspects of operating a  
8 hatchery, not to be representing themselves as a  
9 private individual where this might go to them  
10 personally.

11 CHAIR RUSSELL TOWNSEND: So, once  
12 again, by saying states and the agencies impacted  
13 making up this stakeholder group, are we capturing  
14 the people that we need to there?

15 FACILITATOR WILSON TAYLOR: I think  
16 so.

17 CHAIR RUSSELL TOWNSEND: Okay. So  
18 let's go back down towards the bottom of the list.  
19 Have we looked at all of these?

20 Have we made all of the necessary  
21 changes?

22 So do I have a motion to approve these  
23 pieces of advice for TVA for comments?

24 MR. GARY JOINER: Yes.

25 CHAIR RUSSELL TOWNSEND: Gary moved.

1 Do we have a second?

2 MR. MARK IVERSON: Second.

3 CHAIR RUSSELL TOWNSEND: A second from  
4 Mark. So all of those in favor, please give a thumbs  
5 up.

6 All opposed, thumbs down. Okay. The  
7 advice for question four

8 Has been approved for TVA. And with  
9 that, I think we're done with

10 Our questions and I will turn it back  
11 over to Wilson.

12 FACILITATOR WILSON TAYLOR: Thank you,  
13 Mr. Chairman. Again, I thank the Council for the  
14 hard work you have done in the last two days. Just a  
15 couple of remarks before I turn it over to Joe to  
16 close us out.

17 First of all, if you would leave your  
18 gold badge on the table, it will be used the next  
19 time you show up. Also, Beth has for the Council  
20 members boxed lunches that will be available.

21 Is that correct, Beth?

22 MS. BETH KEEL: Actually, I have a few  
23 more. So I think everyone can have one.

24 FACILITATOR WILSON TAYLOR: Thank you,  
25 Beth. So they will be out in the hall.

1                   And Lee Matthews, where are you? If  
2 you would, stand up, please. So Lee Matthews is here  
3 observing. He's going to be the facilitator for the  
4 Council for the seventh session and succeeding  
5 session.

6                   So I just wanted to thank each one of  
7 the Council members and the other folks here for all  
8 of the support and the encouragement that I have  
9 received since I have been working with you and hope  
10 you have continued success in the future.

11                   I think this is my last meeting. Joe  
12 Hoagland says it's not, but that's what I have had  
13 counted on. So Lee is going to be your facilitator  
14 going forward unless Joe says something else here.

15                   CHAIR RUSSELL TOWNSEND: Wilson is  
16 ready to get out the door it sounds like. We really  
17 appreciate all that Wilson has done for us. I  
18 personally have appreciated his help getting me  
19 going.

20                   I think the Council welcomes Lee and  
21 we look forward to working with you in the upcoming  
22 meetings. So thanks to both of you gentlemen for  
23 doing the facilitating job for us.

24                   FACILITATOR WILSON TAYLOR: Thank you.

25                   MR. TOM LITTLEPAGE: I would like to

1 add one thing. A lot of especially the new folks may  
2 not realize how much behind-the-scene work goes on,  
3 but to Beth, I really want to thank her efforts in  
4 trying to make this as least disruptive to our work  
5 schedules as possible and providing outstanding  
6 experience. So she puts a lot of work into this.

7 DFO JOE HOAGLAND: So, yeah, I want to  
8 just -- first of all, let me echo and say thanks to  
9 everybody for the last couple of days in the room. I  
10 thought this conversation has been very helpful and  
11 enlightening, and I think that will help us as we  
12 begin to go forward with this working group.

13 I did hear during the discussion that  
14 you-all would like an update of where we are at, and  
15 we will certainly provide that as we go through, you  
16 know, and may solicit some additional advice as we  
17 kind of whittle through some of this stuff and see  
18 where we're headed.

19 I want to thank Wilson. He's done an  
20 excellent job in this. Wilson has worked with me on  
21 a number of projects and he keeps getting out of  
22 them. So I think he's mean and he's trying to get  
23 away from me. He's excellent. Lee also I think will  
24 be really a good addition to the Council.

25 Then, yeah, I wanted to thank Beth too

1 because somebody asked me yesterday, they said, how  
2 do I get all of this together, and I said, "I don't  
3 have anything to do with it. Beth just tells me what  
4 to do." She does an excellent job at that. So I  
5 appreciate that, as well as all of the staff that you  
6 see sitting over here in the back. There's a lot of  
7 behind-the-scene work.

8 I also want to thank all of our guests  
9 that came and spoke and have answered a lot of hard  
10 questions in the last of couple days. I think the  
11 relationship of we're all working together to try to  
12 solve this problem is really important, and I  
13 appreciate your input into that discussion.

14 Okay. So I've got -- I don't know  
15 what the dates for the next meeting is. Beth.

16 MS. BETH KEEL: October 9th and 10th  
17 are the dates for the next meeting, and it will be  
18 lovely if you would block your calendars now so we  
19 know we will have -- I can't tell you where that is,  
20 I am not sure about that yet, but that gives you  
21 enough lead time to be able to participate and join  
22 us.

23 DFO JOE HOAGLAND: I do know from the  
24 agenda we will update you on some NRP status and we  
25 will see where we are on a couple of other things.

1 So we will -- we will get you the agenda in a couple  
2 of months where we think we're heading.

3 With that, I think I will turn it back  
4 to Wilson.

5 FACILITATOR WILSON TAYLOR: That's all  
6 I have, Mr. Chairman.

7 CHAIR RUSSELL TOWNSEND: Just a final  
8 word, I would like to echo what Joe said, thanks to  
9 everybody who showed up to participate. This Council  
10 is worthwhile. You always give really good advice.

11 With business concluded, do I have a  
12 motion to adjourn?

13 MR. TOM LITTLEPAGE: So moved.

14 CHAIR RUSSELL TOWNSEND: Tom moves.  
15 Do we have a second?

16 MR. GARY JOINER: Second.

17 CHAIR RUSSELL TOWNSEND: The Council  
18 stands adjourned. Thank you very much, folks.

19 END OF COUNCIL MEETING  
20  
21  
22  
23  
24  
25



1 REPORTER'S CERTIFICATE

2 STATE OF TENNESSEE )  
 3 : SS.  
 4 COUNTY OF KNOX )

5 I, Kimberly J. Nixon, RPR, the officer  
 6 before whom the foregoing cause was taken, do hereby  
 7 certify that the witnesses whose testimony appear in  
 8 the foregoing transcript were duly sworn, and that  
 the testimony of said witnesses was taken by me in  
 machine shorthand, and thereafter reduced to  
 typewriting by me;

9 That the exhibits annexed to this  
 10 transcript are the true, accurate and only exhibits  
 11 introduced into evidence, and that the transcript was  
 prepared under my supervision, and attached to this  
 12 certificate is a true, accurate and complete  
 transcript, as provided by law;

13 That we are neither counsel for, related  
 14 to, nor employed by any of the parties to this  
 15 action; and we further certify that we are not a  
 16 relative or employee of any attorney or counsel  
 employed by the parties hereto, nor financially or  
 17 otherwise interested in the outcome of this action;  
 and that the foregoing transcript is complete and  
 18 accurate in all particulars, as provided by law.

19 In witness whereof, I have hereunto set my  
 20 hand this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

21 \_\_\_\_\_  
 22 KIMBERLY J. NIXON, RPR  
 23 LICENSE NO. 465.  
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