200405065076 Received FERC OSEC 05/06/2004 05:43:00 PM Docket# AD04-4-000

Third Panel Member Application
Federal Energy Regulatory Commission
Integrated Licensing Process
Formal Study Dispute Resolution Process

Docket No. AD04-4-000

Robert H. Deibel
National Instream Flow Coordinator
USDA, Forest Service
2150 Centre Ave, Bldg A, Suite 368
Ft. Collins, CO 80526
Office: (970) 295-5982
FAX: (970) 295-5988

References:

1. **Mr. James Hastreiter**
   Federal Energy Regulatory Commission
   Portland, Oregon
   (503) 552-2760

2. **Jeff Kershner, PhD**
   Leader, National Fish and Aquatic Ecology Unit
   USDA, Forest Service
   Utah State University
   860 North 1200 East
   Logan UT 84321
   (435) 797-2500

3. **Ms. Mona Janopaul**
   Hydropower Program Manager
   USDA, Forest Service
   201 14th Street SW
   Washington, DC 20250
   (202) 205-0880

1. **Technical Expertise: Aquatic Resources:**
   a. **Instream Flow**
   b. **Fish Passage**
   c. **Threatened and Endangered Species**
   d. **General**

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As National Instream Flow Coordinator, I have extensive experience in study design, refining of issues and analytical techniques for determining flow regimes. My experience includes field data collection and analyses for different instream flow modeling approaches along with post-analysis and interpretation of results. I gained this experience while working at the USDA, Forest Service, the Federal Energy Regulatory Commission, the U.S. Fish and Wildlife Service and through formal training in instream flow methods. My experience provided me the opportunity to participate at the project level covering study design, vetting and refining of issues, and working in a collaborative framework of the various elements of instream flow studies (eg. selection of method, discussion of biologic, ecologic, and physical habitat metrics, and analytical framework and interpretation for use by collaborative groups).

My current responsibility requires me to understand the respective modeling techniques, data requirements and software available for modeling project operations and instream flow needs. One of my primary responsibilities is to work with Forest Service technical and management staff to develop analytical frameworks and information that is understood by Agency decision makers.

In my current position, I coordinate instream flow training and technical workshops to keep myself and FS technical staff up to date on the various tools and techniques and cutting edge analytical methods as they evolve with the advancements of desktop computers and field collection methods (2-D modeling, total station, GIS technology, etc). I developed and administered agreements and contracts to develop and deliver instream flow methods and analysis training. The entities I worked with in providing training to FS technical staff includes the USGS Fort Collins Science Center (formerly Instream Flow Group), consultants that are recognized experts in the field of instream flow assessment and quantification and non-governmental organizations that advocate different approaches in a proceeding. I administer a National Instream Flow Technical Support contract to deliver specialized expertise in instream flow quantification techniques to Forest Service technical staff across the country. In administering this contract, I must understand what the contractors are advising and determine if it is appropriate for the proceeding they are participating.

I also serve as the USDA Forest Service technical expert on instream flow quantification matters and am frequently called in to assist or counsel FS management and technical staff across the country on complex instream flow matters.

I am currently a co-author on a draft primer on fish passage technology paper for Forest Service technical staff. The intent is to provide an overview of the different fish passage technologies available and in use today along with reporting

documented effects to aquatic resources (passage efficiency, species passage needs and constraints, and measured mortality due to different downstream protection measures).

My national responsibility requires me to understand the ecological needs of aquatic dependent species across the country from the Pacific Northwest (salmon, coldwater fish) to the Desert Southwest and their endemic fish to the Southeast (aquatic mussels, native fishes (darters), and amphibians). Understanding the ecological needs and species life histories is critical to determining the appropriate method or tool to conduct the analysis and develop commensurate mitigation.

2. **Knowledge of Effects of construction and operation of hydroelectric projects**.

While working at FERC (1986 – 1989), I had to have comprehensive knowledge of the various physical configurations and operational capabilities and constraints to understand project effects to aquatic resources and develop workable solutions to aquatic resource problems (instream flow, fish passage, etc). As a professional fishery biologist at FERC, I worked on numerous new projects reviewing their applications for adequacy under the 18 CFR regulations and developed mitigation for construction and operation and protection of biologic resources and water quality (fish passage, downstream fish protection, and instream flow prescriptions). The scale of projects I participated ranged from small (< 1 MW) high head diversions to large mainstem projects such as those located on the Columbia and Snake Rivers.

From 1990 to 1991, I administered the construction of a 14 MW hydroproject in Oregon while working for the USDA Forest Service. My responsibilities included insuring compliance with construction plans and mitigation requirements under the FERC license, 401 Water Quality Certificate, and Forest Service Special Use Construction Permit. Much of the daily administration of the construction phase required me to work with the licensee and their representatives in the field to understand their needs and also meet the intent of the mitigation requirements. This experience was invaluable as it helped me better understand construction methods and how mitigation requirements affect various construction methods. This experience also gave me an understanding of how to better write mitigation measures that directly address site specific and project construction needs while protecting the target resources.

Following completion of the construction phase, I coordinated USDA, Forest Service efforts in monitoring project operations required by the License. Similar to the construction aspect, there were many cases requiring face to face meetings

with the Licensee in order to develop workable solutions while meeting the intent of the license.

The national scope of my current position as National Instream Flow Coordinator provides me the opportunity to provide technical assistance on a wide range of project configurations and operations along with the different physical and biological settings across the country. In order to adequately do my job, I must understand the different project operations, their physical setting and their physical constraints in order to develop workable solutions to aquatic resource issues.

My experience working for the USDA, Forest Service provides me a more comprehensive understanding of project operational and aquatic resource issues because of the authority and responsibility under the Multiple Use and Sustained Yield Act. This statute along with the Wild and Scenic Rivers Act requires the Forest Service to consider and manage for different and sometimes competing uses of water (eg. Static lake levels for boat docks vs. downstream aquatic instream flow needs, etc.). The multiple use responsibility for the USDA Forest Service is different than many Federal and State agencies with authority to manage resources such as fish. In order to develop appropriate flow regimes targeting aquatic resources, some of which may be listed as Threatened or Endangered, I typically work with Forest Service technical staff, Federal and State agency staff, project consultants, and Licensees to develop adequate information to understand project effects and risk to resources. This is essential in order to develop project level mitigation that addresses project operations and physical constraints.

3. **Working knowledge of laws relevant to expertise, such as: the Fish and Wildlife Coordination Act, the Endangered Species Act, the Clean Water Act, the Coastal Zone Management Act, the Wild and Scenic Rivers Act, the Federal Power Act or other applicable laws.**

My experience at FERC required me to have a comprehensive understanding of the laws, regulations, and policies of FERC and Federal and State agencies involved in a FERC proceeding. While working at the U.S. Fish and Wildlife Service, the principal authorities to participate in FERC administered hydroelectric proceedings were the Fish and Wildlife Coordination Act, the Endangered Species Act, and the Federal Power Act.

My experience at the USDA, Forest Service has been invaluable in understanding the respective laws and authorities guiding a licensing proceeding. As mentioned above, the broad authority vested in the USDA, Forest Service requires me to understand the respective authorities of other agencies as there can be significant overlap of resource responsibilities with the other agencies. The following example illustrates my point. There are many cases where the USDA Forest

Service may prescribe a flow regime to protect aquatic habitat (eg. targeting fish and amphibians) pursuant to Section 4(e) of the Federal Power Act, while the Federal and State fishery management agencies may recommend a flow regime under section 10(j) of the Federal Power Act and the corresponding State water quality management agency issues a 401 Water Quality Certificate pursuant to the Clean Water Act also prescribes a flow regime to protect beneficial uses. All three agencies addressed the issue of flow regimes but each did so via different authorities.

I also served on intra-agency training cadres for Forest Service staff teaching the basic FERC process. One of the modules in the basic FERC process training focused on laws, regulations and policies guiding FERC administered proceedings and the respective laws, regulations and policies guiding other agencies. We also shared many of the important court cases that clarified agency responsibilities and authorities. Participating on the training cadres and in the training reinforced my understanding of the laws, regulations and policies affecting a FERC administered hydroelectric proceeding.

4. Ability to promote constructive communication about a disputed study.

As mentioned above, I serve as the Forest Service's technical expert on instream flow quantification matters. I have been called in for internal and external discussions on technical merits of a proposed or completed study. My counsel and advice ranges from the proposed study design, refining and focusing on key aquatic issues to analytical methods that deliver the desired level of resolution on an instream flow matter. In my role, I reach out to other agency experts on the appropriate study design (eg. application of appropriate methods, need for statistical design vs. non-statistical design). I gain insight about how to understand the resource issues and the technical approaches needed to address the resource issue from participating in all these efforts. This in turn has helped me develop the skills necessary to communicate with USDA Forest Service, other agency, Tribal and non-governmental technical and management staff on appropriate courses of action.

I have extensive experience in speaking to large and small groups and in leading and managing teams. My public speaking includes serving as a panel member at the National Hydropower Association meeting, giving presentations at professional society meetings, delivering presentations at Forest Service training sessions, and delivering briefings to Forest Service management.

I led and managed teams at the local and national levels in the USDA, Forest Service. This experience ranged from managing small project level teams at the Ranger District to coordinating technical review of nationally significant

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hydroprojects on behalf of the Forest Service. In the latter effort, I worked closely with other Federal and State agency staff, the licensee's staff and their technical consultants.

I work comfortably in a group setting and am formally trained in negotiations that foster collaborative and constructive discussions that focus on creative solutions. I administered an interagency agreement with the USGS, Policy Analysis and Science Assessment group in Fort Collins, Colorado to deliver negotiation training to Forest Service Executives. In addition to working closely with USGS staff developing and presenting the training, I participated in all three sessions taking in the key points regarding concepts and participation in collaborative negotiations.

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