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REGIONAL RESOURCE STEWARDSHIP COUNCIL

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JANUARY 21 & 22, 2004

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VOLUME I OF II

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TENNESSEE VALLEY AUTHORITY
401 WEST SUMMIT HILL DRIVE
KNOXVILLE, TENNESSEE 37902

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REPORTED BY:

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KIMBERLY J. NIXON, RPR
NATIONAL REPORTING AGENCY
1255 MARKET STREET
CHATTANOOGA, TENNESSEE 37402
423.267.8059
WWW.NATIONALREPORTING.COM

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P R O C E E D I N G S

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CHAIRMAN BRUCE SHUPP: Good morning.

3

Let's take our seats, please. Welcome to the last

4

session of the second iteration of the TVA Regional

5

Resource Stewardship Council.

6

We have a real interesting topic

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today. No pressure on anybody here, no pressure.

8

It's all good stuff. Public participation. Nobody

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has any threats to their vested interests in this

10

one. It's just going to be a lot of fun figuring out

11

how to give TVA some good advice on a difficult

12

subject.

13

We have excellent speakers. You're

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going to enjoy them. They are deeply engrained in

15

their topic, a lot of experience. They have been

16

involved in public participation for a good long

17

time, and we're going to hear some good ideas and

18

some good presentations.

19

I would like to ask Dave Wahus to go

20

through our agenda and tell us how we're going to

21

operate the next couple of days.

22 FACILITATOR DAVE WAHUS: Good morning.

23 It's great to see all of you again this morning.

24 We will start in a few minutes with
25 some opening remarks from Kate Jackson, and then we

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1 will review the public participation questions and
2 introduce the first presenter on the TVA presentation
3 on public partition. Bridgette Ellis is going to
4 tell us what they are doing and how they are going
5 about doing it.

6 Following the break, we have a very
7 interesting panel. You see the -- on your agenda
8 those folks who are going to be speaking, and they
9 will be speaking in the order that you see on the
10 agenda.

11 Lunch will be in room 407. That's the
12 same room that we ate last time. You can either go
13 through that door there or you can go out past the
14 elevators and to the end of the hall and to room 407.

15 Following the break this afternoon, we
16 have an opportunity for the public to make their --
17 give us their comments. So we're going to practice
18 public involvement this afternoon or one method of
19 public involvement this afternoon.

18 If any of you anticipate leaving
19 early, please let us know because we need you here
20 for a quorum. So if there's some reason, emergency
21 or otherwise, that you have to leave and you're not
22 going to be here during part of tomorrow, please let
23 us know ahead of time so that we can do something
24 with the agenda so we can make sure that the
25 decisions that have to be made can be made while

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1 you're present.
2 Tomorrow morning we will start at
3 8:00, which is a half an hour earlier than today.
4 Paul, that means that you have to get
5 up a little bit earlier than you did this morning.
6 DR. PAUL TEAGUE: Old age gets me up
7 early anyhow.
8 FACILITATOR DAVE WAHUS: We will
9 continue -- after any announcements that we may have,
10 we'll continue with the discussion of questions.
11 Again, lunch in room 407. And then we will close out
12 the Council business, which means that we will -- you
13 will have an opportunity to decide what you want
14 to -- the recommendations you want to make of public
15 participation to the TVA, and then we will relook at

16 the recommendations made by the Council last time on
17 recreation, and we need a quorum, of course, to
18 approve or disapprove those recommendations and pass
19 them on to TVA, depending on your wishes.

20 There will be a discussion on the
21 future of the Council, an opportunity for you to ask
22 any questions, there will be information shared, and
23 then we will adjourn. So we plan to adjourn no later
24 than 3:00 tomorrow afternoon, but I do ask that -- if
25 at all -- if you can, plan to stay until adjournment

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1 because we need a quorum.

2 Mr. Chairman.

3 CHAIRMAN BRUCE SHUPP: Thank you,
4 Dave.

5 Any questions or comments on the
6 agenda procedures?

7 All right. Pleased to give the floor
8 to Kate Jackson for -- of TVA for her opening
9 comments.

10 DR. KATE JACKSON: Welcome everybody.
11 We're glad to see you.

12 This topic is very important to us,
13 recognizing that if the public does not provide us

14 input, we can't make good decisions. And I'm
15 constantly asked questions about, don't you wish
16 those people out there would stop writing you hate
17 mail. And my view is, if we don't know what the
18 issues are, we can't solve those problems.

19 And so it's very important to us that
20 we have a vehicle to get public input into TVA to
21 help us enrich the debate in a way that leads to
22 better and more efficient, more effective, better
23 decisions. So this is important to me. It's
24 important to TVA, and hopefully you'll come up with
25 some really cool and new ideas for us.

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1 The second thing is several people
2 have been asking about what's going on with the
3 expanded board. So I just thought I would mention it
4 so that you would have the same information that we
5 have.

6 The governance change for TVA was an
7 amendment to the Energy Bill. The Energy Bill did
8 not pass, as you know, at the end of the session.
9 The session started yesterday. And so we don't know
10 what will happen with that.

11 Obviously, I think Congress will

12 attempt to re-examine that Energy Bill to determine
13 whether or not it's possible to pass that. If it's
14 not, I assume that they will begin to contemplate
15 pulling bits and pieces out of it. We don't know
16 what that means for that governance process.

17 The majority leader, Senator Frist
18 has -- is very committed, thinks it's a really
19 important improvement in TVA's governance in taking
20 us a step toward increasingly -- looking increasingly
21 like a private sector firm, being governed that way.
22 So I assume that that will move forward, but we don't
23 know any more than that about it.

24 It's a nine member board. That board
25 appoints a CEO, a Chief Executive Officer. There is

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1 a transition period for the Agency. That board does
2 not take effect until there are six appointments
3 made, and then that board will begin examining
4 opportunities to get a CEO, and then they will move
5 forward on that. So that's what I know on that one.

6 Any questions before I turn it back
7 over?

8 Okay. Great.

9 CHAIRMAN BRUCE SHUPP: Thank you,

10 Kate.

11 All right. Dave, would you please go
12 over the questions that we're going to respond to
13 this week?

14 FACILITATOR DAVE WAHUS: You should
15 have on the -- in the stack of papers in front of you
16 a paper that says, "January 2004 RRSC meeting
17 questions."

18 The meeting topic, of course, is to
19 achieving the optimal public involvement for
20 balanced, integrated, and management of the Tennessee
21 River system, and the questions are three.

22 What are your comments on TVA's
23 approach to public involvement?

24 And we'll be hearing about TVA's
25 approach this morning when Bridgette speaks.

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1 What are other public technique --
2 public involvement techniques should TVA investigate?

3 And third, what are your suggestions
4 for improving TVA's approach to public involvement?

5 So you will, please, keep those three
6 questions in mind as you listen to the speakers and
7 as you have discussions during break and lunch, and

8 we will be addressing those starting this afternoon
9 about 4:00.

10 CHAIRMAN BRUCE SHUPP: Okay.

11 FACILITATOR DAVE WAHUS: Any questions
12 or comments on that?

13 Thank you, sir.

14 CHAIRMAN BRUCE SHUPP: We need
15 information, of course, to answer those questions,
16 and the first piece of information is going to come
17 from TVA to explain the public participation
18 processes used by TVA. And we're going to be given
19 that by Bridgette Ellis, who is the vice president
20 for resource stewardship.

21 Bridgette.

22 MS. BRIDGETTE ELLIS: Thank you,
23 Bruce. Good morning, everyone. I hope everybody is
24 doing well.

25 First, in terms of just an outline,

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1 you know, why do we do public involvement? You know,
2 that's -- I think Kate has gone over that a little
3 bit already.

4 How do we use those to guide our
5 decisions? Where do we use it?

6 I mean, you don't use public
7 involvement in every day-to-day decision that TVA
8 makes, but where do we actually use that when we're
9 talking about stewardship responsibilities, natural
10 resource issues? A lot of the things that this
11 Council has been brought together to discuss.

12 What typical factors do we look at in
13 our decision-making? How do we decide what type of
14 involvement to use? There's a wide variety of tools
15 that you can use. So how do we decide what you use?

16 Communication plans or approaches, who
17 the key audiences are, what tools do we use, what we
18 expect in terms of outcomes. Whenever you put
19 together a communication plan for a public
20 involvement, you should go into it with some expected
21 outcomes.

22 What are you trying to get from the
23 public? What do you need from them?

24 To give you some examples of feedback
25 from participants in different arenas, things that we

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1 have seen, some feedback -- to remind you of some
2 feedback that you have given us over the past couple
3 of years on public involvement. You might not have

4 remembered it as public involvement because you were
5 doing a specific issue, but a lot of the things you
6 talked about were public involvement. And then some
7 of the changes we have already made, and then we will
8 open it up for questions.

9 Okay. So why are we doing this? I
10 mean, why do you want to do public involvement?

11 Well, first and foremost, like Kate
12 said, our problem-solving is going to be better with
13 opinions and values of the public. If you don't
14 understand what the broad set of values are, if you
15 don't understand what those issues are, then you're
16 going to have a much harder time putting together a
17 set of options, a set of -- trying to solve that
18 problem without those opinions.

19 Secondly, when you have a complex
20 issue or you have conflicting uses, it certainly
21 enriches the debate to make sure that you understand
22 that broad range of issues.

23 Particularly when you have a lot of
24 conflicting uses, conflicting needs, how are you
25 going to make sure that you understand that broad

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1 range and how are you going to make sure that the

2 public understands both spectrums, all spectrums?
3 What are all the issues associated with a particular
4 project?

5 For us it also helps us understand
6 issues early in project planning. If you're going
7 into a specific project and you have not thought
8 through what some of those public involvement issues
9 are, then you may get further down into the project
10 and realize that, gosh, you don't have all the
11 information you need.

12 So a good example of that for us is
13 when we were doing the Guntersville land management
14 plan, we knew early on that we had a specific tract
15 of land that we already had some conflicting uses on.
16 We had horseback riders and we had hikers. Think
17 about that. Those are not necessarily compatible
18 uses, but we knew early on going in that we needed to
19 get those groups together.

20 We needed to understand, are there
21 compatible uses? Are there other tracts of land
22 where their needs can be met? So when you understand
23 that early on, it will help you come up with a better
24 decision or move your project faster. Certainly, it
25 provides a basis for sustainable decisions if you get

1 public involvement.

2 When we did the shoreline management
3 initiative, which I know the first Council heard a
4 little bit about, we had over 10,000 comments about
5 shoreline permitting, and that certainly allowed us
6 to come up with a different policy or changing our
7 policy that's been sustainable. We have had very few
8 problems with that particular policy for the last
9 four years, simply because we did get a broad range
10 of input and we got something that is certainly
11 sustainable now.

12 The public involvement will certainly
13 build support for decisions when the participants see
14 their views reflected. There's nothing worse than to
15 go out there and ask for public involvement and then
16 just ignore it. You do have to acknowledge it. You
17 do have to say how you're using it. You do have to
18 show the broad perspectives of where you're using
19 those -- that public involvement.

20 So it's very -- you know, you can't
21 just sit there and say, yeah, we're going to go do
22 this because of the very last bullet, fulfilling our
23 mandate. You do have to use it to help you broaden
24 the debate. You do have to use it to make sure that
25 it gets you to better decisions.

1 That last bullet is just kind of the
2 obvious. Under the National Environmental Policy
3 Act, we do have certain things that we're required to
4 do in terms of public involvement, but we feel like
5 it's much more important for us to broaden that and
6 make sure that we are getting at all of the issues,
7 not just meeting the letter of the law.

8 I mean, you can do your scoping. You
9 can review drafts. You can, you know, review finals,
10 and certainly that would fulfill your mandate, but we
11 feel like it's much more important to go further than
12 that to make sure that we are understanding all of
13 the issues that the public brings to us.

14 How we use those, particularly in the
15 stewardship areas, and how we use those in terms of
16 how they guide our decisions is -- certainly, we
17 create new alternatives a lot of times. When you get
18 those broad perspectives from the public, you might
19 come up with a totally different alternative than
20 maybe you were thinking about.

21 So it enriches the creative
22 problem-solving. It enriches in terms of new ideas
23 that you might get out of that. It can certainly
24 help you modify a project plan. If the public is
25 telling you the way that you have presented a plan is

1 not exactly what they would prefer, but if you
2 modified it a little bit one way or the other they
3 would be fine with it, then certainly that helps you
4 in terms of guiding how you do your decision-making
5 and all of that.

6 And it does help you develop
7 mitigation measures. If you do have specific issues
8 that are socioeconomic or environmental and the
9 public is saying, you must make sure that those
10 things are mitigated, then they can help you
11 determine what that looks like.

12 You always have some issues that
13 you're always going to have to do. Like if you have
14 to protect cultural resources, archeology or
15 threatened and endangered species, you know, that's a
16 letter-of-the-law kind of thing, but other things
17 such as loss of recreational uses, how can you offset
18 that from mitigation measures? So the public will
19 always give you a lot of ideas and instances where
20 they think you can do something and mitigate it.

21 So where we use this in the natural
22 resources and the stewardship areas, obviously the
23 major policy initiatives that we have done over the

24 last years. You have the Lake Improvement Plan, and
25 then now the Reservoir Operation Study, the Shoreline

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1 Management Initiative, those were all three major
2 policy initiatives where we are looking to the public
3 to help us make those decisions in terms of how we
4 can improve the way we do our work, how we boat dock
5 permitting with Section 26(a) of the TVA Act or how
6 we look at land-use proposals. We use the public a
7 lot in terms of understanding all of the issues
8 associated with that.

9 So that could be everything from a
10 barge loading terminal to the creation of a new
11 marina. It could be any and all of those different
12 types of things. So we're always looking to the
13 public to provide us information on those types of
14 issues.

15 And then lastly, we use them
16 extensively in development of our land management
17 plans, both in new plans and in updating existing
18 programs.

19 If you remember, we talked about land
20 management and land plans about a year ago, probably
21 a little longer than that, a little longer than a

22 year ago, and that is a key component of
23 understanding. When you set the direction for a
24 long-range plan for land, what does the public feel
25 the value should be? How does the public think that

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1 ought to be developed or not developed over the next
2 ten years? What is their future vision for what a
3 plan should look like? So we definitely use that in
4 our lands planning process.

5 In fact, we are now starting a new one
6 for Watts Bar. We are working right now to develop a
7 scope for updating the Watts Bar Reservoir Plan
8 because that's an area where we're getting a lot of
9 development pressures, we're getting a lot of use
10 pressures, you're getting a lot of needs by
11 surrounding counties, surrounding conservation
12 groups. So now we're beginning that process now as
13 we speak on that particular one.

14 Okay. Typical factors that we use in
15 our decision-making, we certainly use the public
16 comments. That's what we're talking about today.
17 How do we make sure that we hear those comments, we
18 use that in our decision-making process, and how do
19 those fit into the overall issue of the project?

18 threatened and endangered species, we always make
19 sure that we are looking at the impacts or the
20 improvements or the effects in any of those areas
21 when we look at any proposal.

22 And then more broadly, the
23 socioeconomic and maybe long-term environmental
24 effects of any type of project. How is a specific
25 project going to affect those people who live or work

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1 or play around the specific area? So that's one
2 thing that you're certainly wanting to make sure that
3 you understand is, how do those things factor into
4 your decision-making process as you move forward in
5 talking to the public.

6 So when you decide that you have a
7 specific project that you -- that does require public
8 involvement or that you feel like you need public
9 involvement, the first thing we're wanting to know --
10 understand is the scope and magnitude of the project,
11 because you're certainly not going to use the same
12 type of involvement for a reservoir operations study
13 as you are maybe a barge loading facility. So you
14 have to understand the scope and magnitude of a
15 project because you're probably not going to use the

14 It's real easy to set up a public
15 meeting to your preferences. It's a lot harder to
16 set it up to make sure that you get better public
17 involvement. So that's something that we look at
18 when we're thinking about what's the broad range of
19 the folks that are interested in a particular
20 project.

21 Past experiences of similar projects,
22 that's pretty much basic lessons learned. What have
23 you learned before about your involvement? How can
24 you improve it now this time based on something that
25 you learned from a previous project that maybe is

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1 similar in terms of the things that worked or things
2 that did not work on a project?
3 Obviously, feedback from the public,
4 when you talk about their preferred involvement
5 approaches, that's something that we look at pretty
6 critically because, you know, if you're using a 1-800
7 number and no one is using it, you know, that's
8 something that tells you, well, okay, why is that
9 approach not working? If you're using a web-based
10 approach and you're not getting a lot of people
11 commenting, why is that not working? So you do need

12 to make sure that you're evaluating that on a regular
13 basis to make sure that you are using the best tool
14 for the public.

15 Ultimately on every project it's
16 basically unique. You do have to look at every
17 single project, every single proposal, every single
18 issue, and look and see, do I need to do something a
19 little bit different this time to make sure I get
20 that broad perspective from the public?

21 And because of that, over the past, I
22 guess, couple of years, we have started developing
23 communication plans for public involvement. And I
24 think up until a couple of years ago, we just didn't
25 really think that that was necessary, but then our

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1 corporate communication folks really helped us
2 understand the fact that if you're not explaining the
3 project goals, if you're not defining you're key
4 audiences, if you're not really targeting audiences,
5 how do you know that you're reaching the right
6 public?

7 So that's something that over the last
8 couple of years we have started doing practically on
9 every single project so that you can define your key

10 message. You can understand what the target audience
11 is. You can make sure that you have got the
12 appropriate tool in place, because a lot of times,
13 you know, we will do what's easy for us, but you
14 really do need to think through, you know, what is
15 appropriate in terms of that communication tool.

16 Obviously you want to document whether
17 or not you're meeting your schedule, your milestones.
18 Are you getting the results that you want? So by
19 putting a communication plan together, that really
20 does help us make sure on each individual project
21 that we are meeting a lot of those goals that we have
22 set for that particular project.

23 So we feel like it's really important
24 to offer a variety of ways for the public to
25 participate. These are the most common approaches

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1 that we use. There's a lot of different tools we
2 use, which I will go over here in a minute.

3 First and foremost, we use the
4 open-house approach a lot simply because that allows
5 the public to come and go as they please. They can
6 get information about a specific project. They can
7 talk to TVA staff. You know, if they have got a

8 specific question about the proposal, we make sure we
9 have the right number of experts on specific issues,
10 whether it's water quality or threatened and
11 endangered species or economic development. So we
12 will make sure that we have enough people there that
13 folks can come in and talk.

14 The thing about this that we like is
15 the fact that it allows the public to come at their
16 leisure. It allows them to spend as much time or as
17 little time as they need to understand the issues.
18 They can provide their comments right then if they
19 want. They have always got other means that they can
20 provide those comments, but certainly this is an
21 approach that has worked fairly well for us over the
22 last several years.

23 You can use computers, touch pads,
24 things like that. We used that in the Reservoir
25 Operations Study. That, I think, is something that

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1 probably is coming more and more with a lot of groups
2 in terms of ways that you can get public involvement.
3 It's really beneficial though when you're trying to
4 assimilate a large volume of information, when you're
5 trying to make sure that you have -- you're capturing

6 completely what everybody is saying, that certainly
7 does help you make sure that you can get that
8 quickly. You can have it the responses right there
9 in front of them as they provide you that
10 information. So there's a lot of good things
11 associated with that.

12 We use facilitated small groups within
13 a lot of areas. We have done this with our planning
14 process quite a bit. What this is is you will break
15 people up -- when they come into a meeting, you'll
16 break them up in small groups of, like, eight to ten
17 people, depending on how many total people you have,
18 and then you'll facilitate them through specific
19 questions.

20 Like you may ask them on a plan, you
21 know, what's your vision of what the reservoir ought
22 to look like ten years from now, and everybody will
23 talk through that and you'll capture all of that on a
24 flip chart.

25 Then once you have done that, you

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1 bring them all together, all the participants, and
2 let them kind of report out on that so they see each
3 other's perspectives. They also see all the

4 different other issues that maybe someone brings up,
5 and that gives them a broad perspective of all the
6 people that come that night.

7 We do a lot of one-on-one sessions
8 with a wide variety of people. A lot of times this
9 is in your preliminary work when you're trying to
10 understand who the key opinion leaders should be.
11 Who should we be talking to? Who do we know has a
12 real vested interest in a specific project? So we
13 talk to them a lot early on to make sure that we
14 understand where they are coming from, how we are
15 going to get them interested in staying with us
16 throughout the process, how are they going to stay
17 involved and make sure their views are heard.

18 This Council is obviously one way that
19 we are trying to get better public involvement.
20 Having a Federal Advisory Committee give you advice
21 and recommendations on our stewardship activities, we
22 think, has been incredibly valuable for us in terms
23 of making sure we have got a broad perspective of
24 viewpoints about our stewardship responsibilities.

25 Using surveys, a lot of times when you

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1 have a policy initiative or something like that -- we

2 used this particularly in the Shoreline Management
3 Initiative. Because it was very difficult to
4 articulate what an alternative looked like, what we
5 did is we put together a booklet that was kind of a
6 survey booklet. It had a pictorial look of what
7 different alternatives looked like.

8 We asked people to compare them, asked
9 them what they liked about one versus another. We
10 allowed them to take it home, read it, and send it
11 back in to us. So there's a lot of different things
12 you can do in terms of surveys to get additional
13 information from the public.

14 Focus groups are very important to
15 you, particularly when you have got a large complex
16 and a wide variety of issues where you want to get
17 extended dialogue about a specific issue. And I know
18 we have used focus groups and a review group in the
19 Reservoir Operations Study.

20 Also, we used that in the Shoreline
21 Management Initiative. We used focus groups to help
22 us articulate, are the alternatives clear? Of all
23 the things we are talking about, do they make sense?
24 Are we getting clear messages across? So use of
25 those are very important to us when you're trying to

1 make sure that you're taking a wide variety of
2 complex issues and get extended dialogue about those
3 specific issues.

4 Then in a lot of our stewardship
5 activities, we use planning groups. In our water
6 quality improvement work that we do in resource
7 stewardship, we work a lot with watershed coalitions
8 to help us plan work for the next year or the year
9 after that.

10 They work hand-in-hand with us
11 throughout the year giving us input on the areas
12 where they feel like water quality improvement
13 projects would be more important or have a higher
14 priority in their perspective. So we use a wide
15 variety of ways that people can be involved in a lot
16 of our different projects.

17 So from a key audience standpoint we
18 try in our communication plan first to pick the
19 target audiences and make sure that we're hitting
20 those specifically, but then also this is a typical
21 list of the types of groups that we're looking to
22 talk to in any kind of project or any type of
23 proposal, whether it's the public. Is it something
24 that affects waterfront property owners,
25 environmental groups, city, state, federal agencies.

1 Native American tribes, they have a real vested
2 interest in a lot that goes on in the Tennessee
3 Valley. Our power distributor, direct-serve
4 customers, economic development groups, chambers of
5 commerce, and others who obviously might be
6 interested in a specific project or proposal.

7 And so we're always looking to say,
8 what are the target audiences, and then generically,
9 what other groups should we make sure that we are
10 inviting to a meeting or talking to one-on-one or
11 making sure that they are getting information about
12 that.

13 Now, when you think about that large
14 of a list of people, you would say, well, how in the
15 world do you keep up with that?

16 Well, first, we maintain a large
17 database of people who have been through public
18 involvement or work in public involvement or have
19 been involved in anything -- in any of the projects
20 that we have had. So if you have participated in one
21 and you filled out a registration form, we maintain
22 that. So then when we come back with another
23 project, for example, on the same reservoir or in a
24 different area, we will try to make sure that you get

25 an opportunity to either do -- we'll either do a

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30

1 direct mail or we'll make sure that you know about
2 the next meeting about maybe a different project. So
3 we are constantly keeping this database up-to-date,
4 constantly updating it.

5 We ask people do they want to be
6 involved in future projects, so that allows us to
7 understand, you know, who are the people on a
8 specific reservoir that are interested in issues on
9 that reservoir or maybe they're interested in more
10 broad policy issues. So that's one way we try to
11 keep up with who the key audiences are.

12 Variety is the key to any of this. We
13 try to use a variety of tools to inform the public.
14 We also try to use a variety of tools to get their
15 comments. On any given project we could use one of
16 these, two of three, 10 of these, 15 of these
17 different types of tools, depending on the feedback
18 we have received prior about different methods that
19 we have used or other things that maybe we need to be
20 doing.

21 Fact sheets work really well in terms
22 of giving folks just a real short summary of what the

23 issues are and what we are asking people to look at.
24 Presentations. Our web site, we ask people to
25 comment on the web site. A lot of times we put a lot

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31
1 of our land-use proposals and 26(A) proposals on our
2 web site and say, these are the ones that we're
3 processing right now and ask for comments that way.
4 We will do personal contacts with key opinion
5 leaders, which we have talked before. Direct mails.
6 E-mails.

7 Speakers' bureau, TVA has a speakers'
8 bureau where we can go out and talk to civic groups
9 and talk about other specific issues maybe related to
10 a specific project. So we -- so all of these are
11 ways that we communicate. And depending on that
12 specific project, one works better than another
13 depending on the scope, the magnitude, and what tools
14 you really need to get to this interested public.

15 I think, as I said earlier, we try to
16 go a little bit further than what's required by law.
17 In other words, yeah, NEPA says that you have to do
18 public scoping, you have to review a draft, and you
19 have to make sure, you know, that somebody reviews
20 your final selection and communicate what that final

21 alternative may be, but we have some expected
22 outcomes in our -- opportunities and outcomes that we
23 feel in public involvement is important to us.

24 So early on when you're doing
25 opinion-leader briefings and you're talking

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32

1 one-on-one to someone, you want to find out, first
2 and foremost, is your message clear before you go out
3 to the general public? Do they understand what
4 you're trying to talk about? How do we -- ask them
5 for feedback on how you get more participation? How
6 do you continue to get them more interested in the
7 entire process? Do they know of other interested
8 parties that maybe we have not thought of? So that's
9 some of the outcomes that we expect when we go talk
10 to opinion leaders when we're starting a project.

11 Obviously, the public scoping
12 meetings. You want to make sure that you're
13 beginning to understand those expectations of the
14 public, their opinions and their values, and
15 hopefully give them a broader understanding of the
16 proposed action, get a little bit more insight about
17 their views. Do you really understand where they are
18 coming from and do you understand what their issues

19 are?

20 Giving project updates on a continual
21 basis allows you that opportunity for continuing
22 dialogue and interest. If you're talking about a
23 project that you know you're going to complete in,
24 you know, 10 days, 30 days, that is not as much of an
25 issue as it is when you're doing a major policy

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33

1 initiative, like the Shoreline Management Initiative
2 or the Reservoir Operations Study. In those areas,
3 you're trying to make sure that you're giving updates
4 on a routine basis.

5 Summarizing their comments. When the
6 people give you comments, first and foremost, they
7 want to know that we have heard those comments. So
8 one thing that we do is we try to summarize those and
9 give those back to the public and say, this is what
10 you said, is this correct? This is what we heard you
11 say.

12 They -- it also helps participants see
13 how their views compare to others, and then also it
14 allows us -- we can help use that for future
15 decisions maybe on other projects. It allows you to
16 move forward with that specific project, but it also

17 allows you to move forward and use that information
18 for future projects.

19 Some other outcomes we expect when
20 we're using focus groups or review groups is to get a
21 better understanding of those issues, make sure that
22 we not only understand their perspectives, but are we
23 communicating clearly what those issues are?

24 Get some advanced feedback on reaction
25 to an alternative or to a proposed approach. When

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34

1 you have a focus group or a review group, they can
2 help you guide that and tell you, yes, that make
3 sense, but if you said it this way, it would make
4 more sense. So they can give you a lot of input on
5 how to make sure that you can clarify the message,
6 get advanced feedback from them on the specific
7 proposal.

8 Obviously when you review
9 alternatives, you find out very quickly people's
10 preferences. When you place alternatives out there
11 they say, yes, I like this, but I don't like that, I
12 think you ought to do this, but don't do that, you
13 certainly will get that, and that's something we hope
14 we do get. You get an enhanced understanding of the

15 proposed actions hopefully. Then new alternatives
16 arise sometimes when folks get a chance to see your
17 drafts and see what you're proposing.

18 Then once you communicate a selected
19 alternative, then you can build the responses, build
20 understanding of how the public opinion shapes your
21 decision hopefully. Hopefully, you have accomplished
22 that as an outcome, that people can see themselves in
23 some form or fashion of the range of alternatives
24 that you put in and why you have gone the direction
25 that you have gone. Hopefully, then it also gives

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35

1 you that sustainable decision that I talked about
2 earlier.

3 Then ongoing interaction. This is
4 critical in just about everything that we do in
5 resource stewardship, making sure that you have an
6 ongoing conversation with those stakeholders,
7 understanding where they are coming from on a
8 day-to-day basis on any specific issue.

9 We really use that a lot at the
10 watershed team level. As projects are coming up or
11 as things are going on, we are doing a lot of
12 interaction with the stakeholder groups that we know

13 are interested in a specific area or on a specific
14 reservoir. So that's something that we're trying to
15 do on a very regular basis.

16 So what have we heard in some of the
17 other examples?

18 When we did the Pickwick plan, there's
19 two comments up there about the public meetings give
20 people a better perspective on what's going on and
21 they liked the meetings for gathering input, but then
22 you also had folks who said, I want better
23 information for the Memphis public meeting. We had
24 meetings in Memphis and around Savannah and other
25 places out toward -- in the Pickwick area, but we had

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36

1 folks who said they wanted more information.

2 The Shoreline Management Initiative,
3 this meeting was not adequately publicized, and then
4 TVA did a good job of circulating information to a
5 broad audience. So what do you do when you get those
6 kind of comments? Again, you have to understand, you
7 know, the people who are making the comments, what
8 were their issues? Was there something else that we
9 could have done to make sure that they got a better
10 opportunity to understand or get the information?

9 I didn't understand that, you know, you're setting a
10 long-range ten-year goal for a plan or maybe I don't
11 understand. So how do we make sure that we're
12 getting that kind of information out to everyone?

13 We should be more proactive and help
14 people understand the importance of participating,
15 and then plans should be reviewed on a regular basis.
16 So those were some of the comments you gave us. You
17 were talking about public land management, but those
18 were mostly about the public involvement part of the
19 plan.

20 So what have we actually -- have we
21 done anything? Yes, we have. We are now -- since
22 we're doing the Watts Bar plan now, we're revisiting
23 that plan this year. We are engaging key opinion
24 leaders and elected officials much earlier in this
25 process, and it's much more now than a heads up. It

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38

1 used to be a heads up, hey, we're coming to your
2 area. We're going to have these public meetings
3 about that. We would like for you to come out. Do
4 you know of any other people?

5 Now what we're doing is we're spending
6 quite a bit of time with these folks and saying,

7 we're setting long-range goals for Watts Bar
8 Reservoir. There's a lot of people in your community
9 who have vested interests in those lands, in that
10 county, around that city, those types of things.
11 Let's talk about how you and others can get involved
12 in that process. So we're spending a lot more
13 upfront time trying to get people involved in the
14 lands planning process for Watts Bar.

15 As I said earlier, we are trying to
16 coordinate much better with corporate communications
17 and our valley relations staff to make sure that
18 we're using the right methods. It's pretty easy to
19 get lulled into the fact that, yeah, I have done this
20 awhile. I know what's best. I don't need any more
21 help, you know, it's real easy to get into that.

22 So what we have done is we have
23 deliberately put a corporate communication person on
24 our planning team to make sure that, you know, we're
25 hitting it right, that we are thinking about

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39
1 communicating, we're thinking about how we're going
2 to get the public involved much better. And up until
3 a couple of years ago, we really were not doing that,
4 but we're focusing it even more now, much more than

3 better attended by the public because they are going
4 to fuss later has been my experience.

5 The problem is getting them to want --
6 have enough get up and go to get there. Maybe the
7 distance is a factor, the timing is a factor, but I
8 think a lot of it goes back to TVA or us, if we're
9 doing it, y'all if you're doing it, whoever is doing
10 it, there needs to be the input, as you mentioned, to
11 the elected officials and those particular parties,
12 and also enough media coverage and get somebody
13 important in that area to say, hey, this is important
14 and then other people would stand up and possibly
15 attend and give you input.

16 Because I don't care who doesn't come
17 and for whatever reason, if it does not go to suit
18 them, they are going to fuss later. And that's
19 always irritated me, if nobody participates and then
20 they have something to say, like voting or not voting
21 and then fuss about whoever is elected. That is
22 something that's always bothered me.

23 I sent out surveys, and if I get back
24 3 percent, that's outstanding. That's ridiculous
25 because 3 percent is controlling in our case what

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1 19,000 customers get from us. And yet, the last
2 thing I sent out I got 150 responses out of 19,000
3 customers, that's hard to do anything with.

4 So, I guess, my question is to myself
5 in response to your questions to us is going to be,
6 how can you get more people involved?

7 MS. BRIDGETTE ELLIS: That's what we
8 would like to hear your opinions on because, I think,
9 that's something that we do struggle with. How many
10 meetings is enough? What's the timing of those?
11 What is your before-meeting media contact? How much
12 time are you spending with the key opinion leaders to
13 try to get them to bring out all of the folks that
14 are interested in a specific issue?

15 So, yeah, we would like to hear y'all's
16 comments and feedback on that. Because I know we
17 used a wide variety of tools in the Reservoir
18 Operations Study. Some worked better than others and
19 we got a lot better -- you know, depth of comments in
20 some areas than others, but I think something that
21 you always have to realize, and that's something we
22 always keep in mind, is that the public gets
23 inundated with questions and surveys and everything
24 all the time.

25 So you do have to be very clear in

1 what you're asking them to do. You do have to be
2 very clear in what you're asking them to consider
3 because then they will make that judgment of whether
4 or not it's worth their time to either come out or to
5 make a comment or whatever, and I think that's
6 something that in the past we probably -- you know,
7 we put out a media release and say, okay, we're going
8 to have a public meeting, come talk to us.

9 Whereas, now we are trying to do more
10 like you said, talk to key opinion leaders, the
11 elected officials, the other interest groups that we
12 know might have a vested interest in that project.

13 Hey, Phil.

14 MR. PHIL COMER: First of all, I would
15 like to say that I think your presentation was really
16 excellent, well prepared, almost a model of how it
17 ought to be, but it really isn't that way in reality,
18 and this is a partial answer to what Jimmy just was
19 talking about.

20 The very, very frustrating experience
21 that I have had around Douglas and Cherokee Lakes
22 where I have had my major involvement is it was
23 extremely difficult to get people to attend TVA
24 public meetings back in the first and second land
25 management meetings that you had and the turnout was

1 relatively poor, it really was. I thought it was
2 very poor.

3 The meetings around the ROS -- the
4 attendance at the ROS meeting was much better, but
5 you have absolutely no idea how much effort went into
6 that, even to the point of a private individual in
7 Dandridge, Tennessee hiring and paying for a 44 seat
8 bus to bus people over to Morristown to those
9 meetings. The bus made four or five roundtrips
10 during that meeting, and there were six people. It
11 would seat 44 people or more. It was a huge bus.
12 And there would be six people, four people, eight
13 people, very poor, but tremendous effort was made.

14 The overwhelming reason that I kept
15 hearing over and over and over again, it won't make
16 any difference, it won't make any difference, TVA
17 doesn't really listen.

18 I don't care how much newspaper
19 announcements that Barbara Martocci will put in the
20 paper or how many speeches that you and others make
21 about, well, we want to hear, we want to hear, your
22 actions speak louder than your words, and
23 historically TVA has not listened, and people have
24 largely given up. I mean, they just throw up their

25 hands and say, why bother, it's a waste of time.

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44

1 Whether you like it or not, and you
2 don't like to hear this, but that's the overwhelming
3 reaction that I get around Douglas and Cherokee
4 Lakes, and it's probably fairly typical, is it does
5 not make any difference.

6 I can give you a specific example
7 right here in this group. Let me look around and
8 see. How many of you remember Nelson Ross? Do you
9 remember Nelson Ross?

10 CHAIRMAN BRUCE SHUPP: I remember the
11 name, but I can't remember the subject he talked
12 about.

13 MR. PHIL COMER: Well, he has come
14 here to this Council three different times and has
15 spoken his five minutes worth and each of the -- he
16 will be here this afternoon. He was not going to
17 come, but I have urged him to try one more time and
18 to try to put his power point program into a
19 five-minute presentation.

20 He has asked you, Bruce, and he has
21 asked you, Kate, on three different occasions right
22 here in this room that he would like an opportunity

23 to participate -- he is the director of the Isaak
24 Walton League for East Tennessee. He has an office
25 one mile from here down at Volunteer Landing. He has

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45

1 five full-time employees working and has assumed
2 responsibility for keeping the Loudon Lake clean
3 from, I think you call it, the South Bridge to the
4 Buck Kern's Bridge, about a two and a half mile
5 section. Is that correct? Is that how you identify
6 it?

7 MS. BRIDGETTE ELLIS: I think that's
8 correct.

9 MR. PHIL COMER: He has an office with
10 five full-time people and either two or three
11 part-time employees. He has come right in this room
12 three times and asked to be included on the program
13 to make a prepared presentation on water quality and
14 what -- you know, and he never hears back from you.
15 He never hears back from you, Bruce. He never has
16 heard back from you, Kate. So I think this is part
17 of the problem.

18 CHAIRMAN BRUCE SHUPP: Phil, I don't
19 think that's accurate. I don't recall --

20 MR. PHIL COMER: I know you don't.

21 CHAIRMAN BRUCE SHUPP: Let me refresh
22 everybody's memory.

23 MR. PHIL COMER: He has copied me on
24 e-mails he has sent you, Bruce, and he's --

25 CHAIRMAN BRUCE SHUPP: He was told

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46

1 that if we get involved in a subject -- we did
2 respond. He was told that if we get involved in a
3 topic that his presentation would fit, he would be
4 invited.

5 MR. PHIL COMER: Water quality?

6 CHAIRMAN BRUCE SHUPP: We haven't
7 addressed that issue -- since he's been here and
8 asked that, we have not addressed that. So we did
9 respond and we did tell him that when we get to the
10 topic that he would fit into, that we would invite
11 him. So you were not accurate in that. Now, maybe
12 he was not here, he has not been invited yet, but we
13 did respond.

14 MR. PHIL COMER: Well, this may be a
15 typical example, you see, of -- I mean, you really
16 don't listen. You think you do. You go through all
17 of this effort. You have enumerable employees that
18 are out, you know, going through presentations like

19 this, but in the final analysis TVA, in my opinion,
20 and in the opinion of a heavy majority of your
21 stakeholders, don't listen. So they have long since
22 quit bothering to even attend your meetings. You
23 want an answer, you got one, but you don't want an
24 answer, you really don't.

25 CHAIRMAN BRUCE SHUPP: Well, I don't

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47

1 think that was the question.

2 MR. PHIL COMER: You want a lot of yes
3 men. You want a lot of people who agree with you.
4 You want people who are supportive of you and who
5 thank you for the wonderful things you do and so
6 forth, but you really don't want to hear from people
7 who have some disagreeing point of view. Believe me,
8 I know from experience.

9 CHAIRMAN BRUCE SHUPP: Any other
10 comments or questions?

11 Tom.

12 MR. TOM VORHOLT: I really disagree,
13 Phil, and it's from this context. Going back to
14 Bridgette's comment that obviously the process that
15 they use to get public participation and involvement
16 in comments will vary depending on the magnitude and

17 scope of the decision that has to be made.

18 I am relatively new to this arena of
19 public policy and public participation, but I can
20 tell you from my personal experience from serving on
21 the public review group of the Reservoir Operations
22 Study, in my opinion that process that was employed
23 by TVA, and David Nye in particular, should be a
24 model for how major decisions are made because, yes,
25 we went out and did surveys at the sites and we took

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48

1 the road show out, and I agree with you, Phil, at
2 those meetings there probably could have been more
3 people there, but, in my opinion, the public was
4 involved from day one because David Nye and TVA put
5 together what was called the public review group and
6 the interagency team.

7 On the public review group you had
8 recreation -- the recreation community represented.
9 Glen Bibbee (sic) was on the public review group
10 representing L.O.U.D.; Jack Marcellis, flood control.
11 I was on there for navigation. Water quality was
12 well represented, and that's just on the public
13 review group.

14 On the other side was the interagency

15 teams, the Coast Guard, the Corps, the fisheries,
16 National Wildlife Service, Forest Service, and it
17 goes on and on and on.

18 Those two groups were intimately
19 involved in developing a list of 72 alternatives for
20 operating the reservoir and what changes would be
21 made. That group was intimately involved in reducing
22 that list of 72 alternatives down to six, and it was
23 those six alternatives that were taken out to the
24 public at that point.

25 MR. PHIL COMER: I believe it was

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49

1 eight. I think it was eight.

2 MR. TOM VORHOLT: One was a baseline
3 case, which was the current operating practice.
4 Whether it was six or seven or eight --

5 MR. PHIL COMER: I am very familiar
6 with what you're saying. I'm aware of this.

7 MR. TOM VORHOLT: My opinion is the
8 public was involved from day one because you had
9 people -- and shame on them if you weren't, because
10 you had people on the public review group. You had
11 an economist from Austin Peay. I mean, the list goes
12 on. It was an extensive, diverse group of people who

13 were developing the list of alternatives, who were
14 reducing the list of alternatives, and if they were
15 not getting input from the, quote, unquote,
16 constituents that they represent, shame on them.

17 I can tell you that there's -- the
18 final meeting is next Friday and TVA is about to make
19 a decision on the list of seven or eight, and I can
20 tell you from my standpoint, I am satisfied with
21 whatever one they choose because, I think, the
22 process was good. The output and the decision that
23 TVA is going to make from those lists of alternatives
24 is going to be a good decision because it was an
25 excellent process.

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50

1 And David Nye should be commended.
2 And as far as open-minded and listening, David Nye is
3 one of the most open-minded individuals that I have
4 ever met. He was very concerned and did a great job
5 to make sure that that process was fair and balanced
6 every step of the way, that everybody that wanted to
7 be heard could be heard.

8 MR. PHIL COMER: I can't comment on
9 that because the decision has not been made. It's
10 running approximately two months late. I called Joel

11 Williams about a month ago and asked, you know, where
12 is the decision, because I was told by two or the
13 three TVA directors that it was going -- it was on
14 their agenda for their final decision in December.
15 And Joel said it was, you know, running about two
16 months late, which it is, but that it would be
17 presented -- so, you know, I can't comment on the
18 process that you refer to until we learn what
19 alternative TVA is going to decide upon.

20 So I have refrained from commenting on
21 that because I don't know yet. We will wait and see
22 at -- the end of this month is when Joel said it
23 would be made -- the last week in January is when he
24 told me that it would be published for the public and
25 would then go to the TVA board. There's a 30-day

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51
1 mandatory waiting period before they make a decision,
2 I'm aware of this, which would put it sometime in
3 March.

4 MR. TOM VORHOLT: You're also aware
5 Glen was very intimately involved in the process.

6 MR. PHIL COMER: Well, we never got
7 any feedback back in the community of Douglas Lake
8 from those meetings, how many attended. We never got

9 any feedbacks at any of the L.O.U.D. meetings ever
10 from Glen Bibbins.

11 MR. TOM VORHOLT: Well, I can't speak
12 for Glen.

13 MR. PHIL COMER: Of course not. As
14 you said earlier, shame on him.

15 CHAIRMAN BRUCE SHUPP: Let me
16 interrupt, please, Phil, and --

17 MR. TOM VORHOLT: Let me just make one
18 final comment. Phil, it's two months late, but I can
19 tell you this. There was the whole NEPA process.
20 There was the environmental impact statement. There
21 was a lot of work that was done in a relatively short
22 period of time. Processes and scoping documents
23 that, from my understanding, and I am still
24 relatively new to this, but that took years and was
25 done in 12 to 14 months, and yet, slowed down a

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52
1 little bit around the holidays. The ROS tried to get
2 back together in early January, there were scheduled
3 conflicts, but, you're correct, I mean, the final
4 meeting is next Friday. I am sure the decision that
5 TVA is going to put in front of the Board is
6 imminent.

7 But the process -- whatever decision
8 they make, whatever alternative they decide from the
9 eight that are on the table doesn't change the
10 process that was used. The process was solid. And
11 again, I really commend TVA, and David Nye, in
12 particular.

13 CHAIRMAN BRUCE SHUPP: Thank you.
14 Greer.

15 MR. GREER TIDWELL: Phil's question
16 about, does TVA really listen, I have to agree with
17 Tom. The outpouring of public concern for needing to
18 review the river operations resulted in a huge effort
19 apparently from TVA. And I agree, Phil, we have got
20 to wait and see what the final outcome is, but the
21 initial outcome of deciding to review that operations
22 policy arose exactly out of TVA listening to the
23 public and outcry need for that.

24 I am a little baffled as to why we
25 aren't yet getting the same kind of commitment to a

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53

1 comprehensive land use plan or policy. I am
2 interested to hear about where that stands right now,
3 because if it just needs more and louder shouting
4 about needing that, then we will get more and louder

5 shouting about needing that, and hopefully it will go
6 through the same kind of committed process that the
7 river operations process went through.

8 And I'm sorry, the last couple of
9 months I haven't been able to keep very in tune with
10 what's going on with TVA, but is there any further
11 progress on committing to have a comprehensive land
12 use plan?

13 DR. KATE JACKSON: I will address
14 that. What we had responded to that question was
15 that we don't believe that's appropriate for the
16 following reason. A comprehensive water plan is
17 obviously important because water uses upstream so
18 dramatically impact water uses downstream because the
19 water system is so integrated.

20 However, the land allocations from one
21 reservoir to another, ownership patterns are
22 completely different, land use patterns are
23 completely different, the capability of the land is
24 completely different. So our response to that
25 question was that we believe that

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54
1 reservoir-by-reservoir planning process is the way we
2 want to proceed, with the caveat that there may be

3 some things, like the Shoreline Management
4 Initiative, that are broad policy issues that ought
5 to be reviewed more broadly, but at this point we did
6 not foresee anything like that happening.

7 Since that time, I have met with
8 several of your constituents actually who actually
9 have said as they look at what they define a
10 comprehensive land policy to be, it's not anything
11 like the ROS. What they say is they want a
12 transparent process to review, re-examine individual
13 reservoir land plans, similar to the advice and views
14 that you had provided to us with respect to once you
15 have a land plan, commit to it for some period of
16 time, commit to reviewing in some period of time,
17 depending upon land use pressures, go back and
18 re-examine that land plan. We are still
19 contemplating that internally and have not finalized
20 our communication with the Board about that yet.

21 MR. GREER TIDWELL: And your comment
22 about maybe the difference between a policy and a
23 plan, excuse me if I use the wrong term in reference
24 to plan, because it's the transparent policy which
25 allows the public to review those individual

1 decisions that is so important and doesn't appear to
2 be out there.

3 DR. KATE JACKSON: And that goes back
4 to Bridgette's sort of rehighlighting the advice that
5 you have given us previously, which was, you need to
6 go out and communicate with the process for land
7 reviews. And we obviously haven't fully implemented
8 that advice yet, and we're still struggling with
9 exactly how to do that. That goes back to
10 Jimmy's issue of when something isn't -- isn't
11 perceived as you're taking something from the public,
12 it's not perceived as an enormously painful issue,
13 it's very, very difficult to get attention or time.

14 MR. GREER TIDWELL: It's very tough to
15 get focus and keep interest on process versus issues.
16 I mean, it's almost -- it's nearly impossible. I
17 have got two or three other questions, but I will
18 wait a minute to do that.

19 CHAIRMAN BRUCE SHUPP: Lee.

20 MR. LEE BAKER: Yes, Bruce, I would
21 just like to chime in one time. It's unfortunate,
22 and, of course, I probably throw three or four or
23 five surveys a week away just simply because I don't
24 want to fool with them, and I think inherently what
25 bothers me about comments that have been made here is

1 for some groups, for some individuals, for some
2 causes, the take on whether or not the process is
3 good is whether or not you agree with them, and I
4 don't necessarily buy that.

5 You know, I think the process can be
6 good and not necessarily come up with what I thought
7 you should do. It's all too often -- you know,
8 already we see, well, if you don't come up with what
9 I want you to do, then you obviously weren't
10 listening. And when I throw a survey away or I
11 choose to go home and spend time with my family
12 instead of attending a meeting, it's pretty human
13 nature, I suspect, to want to blame somebody else and
14 say, well, the reason I didn't attend the meeting is
15 because you didn't make it interesting enough for me.
16 I went home to be with my family or I wanted to watch
17 Jeopardy or whatever I chose to do that night, Twist
18 Off or whatever, don't blame somebody else. You had
19 a choice to go.

20 And I think it's a little disingenuous
21 to always attack somebody and blame somebody. When I
22 make an unpopular decision, and yet, it is the right
23 decision, how many times have I heard, well, but it
24 was the way you said it. So nobody ever wants to
25 admit they did something wrong and take ownership for

1 their behavior. They always want to blame somebody.
2 I think the process works. You know, I throw surveys
3 away everyday, I hate them, but yet, it is a task you
4 face. So I appreciate what you do attempt to do.

5 CHAIRMAN BRUCE SHUPP: Paul and then
6 Michele.

7 DR. PAUL TEAGUE: Bridgette, I would
8 like to compliment you on your good presentation. I
9 thought it was excellent. As you know, we started
10 here four years ago. The general impression of a
11 group of us was just what Phil finished saying, TVA
12 does not listen.

13 We have had numerous discussions since
14 that time. I have discussed it publicly with this
15 group. I have discussed it privately with Ms. Harris
16 and our chairman, who said, if you recall, either TVA
17 starts to listen or TVA will not survive, and that
18 was the general feeling that a lot of us had because
19 they are now competitive.

20 Over the four years with this group,
21 which I am honored to have been a part of and very
22 honored to be with people this diverse, this
23 thoughtful, we, I think, have made a difference. I

24 personally truly believe, Phil, that TVA is changing.
25 With the bureaucracy we know it's difficult to change

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58

1 it all the way downstream, but I truly believe in
2 four years that TVA has opened their eyes to see that
3 they had to change with better communications. It's
4 a process that TVA is beginning to change, but that
5 old feeling of people in the community resides for so
6 many areas that they don't listen.

7 So I think it's really a communication
8 problem that if we work -- TVA keeps their eyes open
9 and works towards this goal that I think each of you
10 now are beginning to do, I think that you can
11 communicate with these people. If they realize that
12 you are listening, you will have better turnout at
13 these meetings.

14 Getting the people to the meetings is
15 not only the responsibility of TVA, it's the -- the
16 responsibility falls on those local governments, the
17 mayors. Chamber of Commerce, that's a good place to
18 work from. Go to the Chamber of Commerce, if you
19 have got an active one, and they're better than the
20 mayor. And if you continue this, I believe the
21 stereotype that TVA is blind can be abated.

22 Thank you.

23 CHAIRMAN BRUCE SHUPP: Michele.

24 MS. MICHELE MYERS: You know, I feel
25 like this group and TVA has made a lot of strides in

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59

1 this issue, but before I came today I sent these
2 questions out to my board of directors so I could get
3 some input from them before I came.

4 This particular response was from
5 David Kiger, who owns Volunteer Landing Marina. He
6 attended several of these meetings early on and made
7 several comments on behalf of his organization and
8 the marina association. The stereotype is still out
9 there because here's what he said just this week. "I
10 think they would learn a lot more if they would
11 listen to everyone instead of just the people they
12 want to hear."

13 You know, I feel like I am far enough
14 away from Knoxville, I don't get the Knoxville paper,
15 I don't get a lot of information about what TVA is
16 doing. I feel like that's because I am so far
17 removed. David is right here in town and reads the
18 paper everyday and is two blocks from here, and he
19 has this perception. Maybe it's not exactly right.

20 Maybe TVA could just do a better job of getting back
21 to these people and giving them feedback and letting
22 them know what is going on. I mean, you can't hardly
23 find anybody much closer, and that's his opinion.
24 Not that we're not doing a good job, it's just that
25 we're not letting the people know what we're doing.

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60
1 CHAIRMAN BRUCE SHUPP: Greer, did you
2 want follow-up?

3 MR. GREER TIDWELL: Completely
4 different -- I'm not following up on the same topic.
5 I've just got some questions that Bridgette's
6 presentation raised to me. It deals also with the
7 public involvement and how active people are, and
8 that's the challenge of measuring satisfaction or the
9 challenge of measuring the silent majority, if you
10 will.

11 And I guess I would be interested to
12 hear what kind of data we have on the demographics of
13 the participants. You know, I would like to hear
14 that you guys are gathering that and looking at it
15 and designing your approaches for public involvement
16 to address broadening the demographics to the
17 appropriate manner.

18 MS. BRIDGETTE ELLIS: Well, we haven't
19 asked those questions, you know, we haven't asked the
20 demographic type of questions in a lot of our public
21 involvement projects. Although, we are on a TVA-wide
22 basis looking at demographics about public
23 perceptions of TVA as we move forward in a
24 deregulated market, and those types of things.

25 So we're doing it on much broader

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61
1 perspective, but we haven't done it specifically for
2 the involvement process of working through, you know,
3 what's the demographics of who comes to what types of
4 meetings and those things. That's something we just
5 typically haven't asked.

6 MR. GREER TIDWELL: I don't know if
7 that kind of information is out there. It may not be
8 relevant outside the valley that only --

9 MS. BRIDGETTE ELLIS: I mean, we will
10 ask things like, are you interested in other issues
11 on Tellico Reservoir, but we won't ask, you know, the
12 true demographic questions.

13 MR. GREER TIDWELL: What are you
14 seeing at public hearings?

15 MS. BRIDGETTE ELLIS: It's a real wide

16 variety. I mean, I think you get a wide variety of
17 interests.

18 MR. GREER TIDWELL: I understand the
19 wide variety of interests. I guess what -- one of
20 the focuses I am concerned about is whether the --
21 you know, the 30-year-old, 40-year-old working force
22 that's out there has time to come away from their
23 family, and, you know, they've got a house full of
24 kids and --

25 DR. KATE JACKSON: The demographics

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62

1 dramatically changes from one geographic region in
2 the area to another, and that's largely based on
3 socioeconomics, but we have not -- when people sign
4 their cards, we do not ask demographic information
5 about it. We're kind of loathed to do that, as you
6 can understand.

7 However, one of the things that we do
8 in very large controversial policy decisions, we
9 attempt to not just get input from the interested
10 public, we attempt to do either telephone surveys or
11 written surveys to try to gauge the accuracy of the
12 people -- of the input that we get from those people
13 that come to the general populous. And as you know,

14 we did that in force in the ROS, and that has
15 provided us some very interesting information about
16 the general public, we believe, looks like this,
17 feels this way, and the people who come to the
18 meeting think this, and that's also important for
19 elected officials to understand, recognizing that
20 their constituency base isn't necessarily represented
21 by the people who are attending the meetings or who
22 are writing them letters.

23 So we're attempting to do that.
24 Although, Greer, you raise a very interesting point,
25 that's very difficult. I think the issue of flood

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63

1 protection is -- may be a poster child for that.
2 We did get some other interesting
3 information though, and Tom, I know, is very aware of
4 this, that roughly only 3 percent of the public in
5 the region has a clue about what navigation is or the
6 benefit that the public gets from navigation. So I
7 think it does a couple of things for us. One is it
8 gives us that statistical validity of who comes to
9 the meetings, what they tell us versus what the
10 general public in that region believes. The second
11 is, are there some very significant communication

12 gaps on some particular issues that we can then begin
13 to close? So it does two things for us, but we don't
14 ask for demographic information at public meetings.

15 MR. GREER TIDWELL: You know, my
16 neighbors assume navigation is a ski boat on the
17 river.

18 DR. KATE JACKSON: Well, many people
19 believe it's kayaking.

20 MR. GREER TIDWELL: Sure. Okay. Can
21 you talk to us a little bit about the budgeting
22 process for the PR aspect of major programs and
23 projects? And also, along with budgeting, the
24 internal training that goes along with the folks who
25 are managing those projects or developing those

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64

1 budget.

2 MS. BRIDGETTE ELLIS: Well, in the
3 budgeting process, when you're doing a large policy
4 initiative, like an ROS, you certainly plan for that
5 in terms of your entire budget, you know, how much
6 should we really be thinking about in terms of what
7 are the communication tools? What are the strategies
8 we're going to use? Are we going to go -- like on
9 ROS, we actually got an outside group to help us

10 manage a lot of that, help us get through a lot of
11 that to move through because we knew we were going to
12 have a large volume of that.

13 When you're working on an individual
14 project on a reservoir, most of the watershed teams
15 have a pretty good feel for what that budgetary
16 expense is going to be and what we need to be
17 planning for in those particular instances. So as
18 far as the planning part for the budget, you know,
19 that is part of the entire process. We make sure
20 that we budget for that adequately and make sure that
21 we have that in place.

22 As far as the training, over the years
23 we have done a lot of public speaking training for
24 staff, media training for staff to make sure that,
25 you know, if they get into that type of situation,

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65
1 then we certainly have that. We do speakers bureau
2 training. There's a lot of different tools that we
3 use.

4 So depending on the staff that's going
5 to be at particular meetings and who -- what their
6 role is, we will designate those people specifically
7 for talking to the media. We will designate, you

8 know, a lead person to talk to the media. We will
9 designate people to talk about the specific
10 expertise, like at an open house. Someone who's an
11 expert in endangered species doesn't need as much of
12 the public speaking stuff as someone else. So we do
13 a lot of training on that. So there are a lot of
14 folks that do that.

15 We also have kind of a standard
16 communication plan template that we use so that every
17 project looks and at least ask the questions about
18 each one, you know, who's going to do setup, who's
19 going to make sure all of those different things are
20 in place.

21 MR. GREER TIDWELL: What I just heard
22 you tell us, Bridgette, is that you have some good
23 training tools or some training tools in place about
24 how to maintain your message and stay on your
25 message, and what I didn't hear, and maybe you just

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66
1 didn't quite get to it, is whether your management
2 team is getting the training on how to listen better,
3 how to, with their project or their program, generate
4 that public interest, shift it so that the TVA
5 questionnaire is one that you fill out instead of one

6 of the three a week you throw away, I didn't hear
7 that in your training program or your management
8 development program.

9 MS. BRIDGETTE ELLIS: And I think that
10 goes back to some things Kate said earlier, you know,
11 it's very difficult to make sure that you're covering
12 all the basis. So maybe that's something we need to
13 be thinking more about in your future deliberations
14 about this because that may be something that we need
15 to spend more time thinking through.

16 MR. GREER TIDWELL: But I think if it
17 comes within, it would be very different.

18 DR. KATE JACKSON: I think you're
19 right. Let me touch on one other point. You talked
20 about budgets. Several years ago we pretty much only
21 did public service announcements on radio or
22 newspaper to publicize public meetings. Several
23 years ago we decided to begin purchasing ad space
24 basically for announcing public meetings, which is
25 unbelievably expensive. And we have now been

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67
1 tracking whether or not that has any perceptible
2 differences in the attendance in meetings, and it's
3 not clear to me that it does.

4 So that's a huge issue for budgeting,
5 you know, could we stop doing that or do less of it,
6 but then, you know, we get criticism that we're not
7 publicizing things well enough. We have gone round
8 and round on that in this room and in other rooms,
9 but that's something for us to think about. You
10 know, if that's not helping, are there other vehicles
11 that are less expensive that are more effective?

12 We have done the editorial board
13 meetings everywhere. We have done local elected
14 officials and Chambers of Commerce hoping that they
15 will engender greater participation. I don't know
16 that this is a problem that's actually solvable, but
17 we're working to at least collect some data to say,
18 that's not working, so that we can think about some
19 other things.

20 CHAIRMAN BRUCE SHUPP: Anybody else?

21 MR. GREER TIDWELL: I've got a
22 question.

23 CHAIRMAN BRUCE SHUPP: You have got
24 another one, Greer. I'm sorry.

25 MR. GREER TIDWELL: I've got a

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1 question on your key audience list. You have

2 probably done some thinking about this. I didn't see
3 youth included, but I know there's, in the past at
4 least, a lot of educational material generated out of
5 TVA and distributed.

6 MS. BRIDGETTE ELLIS: Yeah, I didn't
7 add that one specifically, but we do have --
8 particularly in our water quality work, we have an
9 education process. It's called Kids in the Creek.
10 It's a program to get elementary school age kids
11 interested in water quality and understanding, you
12 know, what the make-up of water looks like and put
13 them in the creek and let them see everything.

14 We also have now a web site here at
15 TVA specifically for kids to learn about all
16 different types of things, whether it's the
17 environment or other things. So we do have some of
18 those tools in place.

19 Have we specifically targeted like in
20 public involvement on a specific project, no, but we
21 do use those tools that we have available to us
22 working with the youth. Specifically we just now
23 started the web site, I guess it was what, about four
24 or six months ago or longer than that.

25 DR. KATE JACKSON: Over a year.

1 MS. BRIDGETTE ELLIS: Time flies.

2 MR. GREER TIDWELL: You must have been
3 busy, Bridgette.

4 MS. BRIDGETTE ELLIS: So we have that
5 web site in place also.

6 CHAIRMAN BRUCE SHUPP: I have two
7 questions. I am going to pose them to you for a
8 quick answer now, and I also want the panelists when
9 we get the panel together up there to think about
10 these.

11 One is, once you collect all of the
12 information from whatever processes you have used to
13 do that, how is that weighted and sifted and sorted
14 to come to a decision process? That's question No.
15 1.

16 No. 2, once a decision is reached, for
17 example, on the River Operations Study, how will
18 that -- the rationale for that decision be
19 transferred to the public to explain it?

20 MS. BRIDGETTE ELLIS: Okay. And I
21 will answer the first one, and I will let Kate take
22 the second part.

23 The first part, when you get all of
24 the information, the first thing you want to find out
25 is are there common themes because you will say, I

1 want better bass fishing, someone else will say I
2 just want bigger fish. So what we will try to find
3 out is what are the common themes of all of the
4 different information that gets pulled together, and
5 we will put it into those common categories. Then
6 once we get those categories of themes and of the
7 issues, then we address each one specifically.

8 And you will see in a lot of our
9 scoping comments and you will see in our scoping
10 summaries of public comments and things like that,
11 you will see a specific comment and a specific answer
12 back to that in terms of how we're going to use it.
13 And then when you do a final alternative or when you
14 do your draft, when you say, here are the comments,
15 there is a specific reference to that comment and who
16 made it and our response back. So we are using it.

17 Then once -- you know, that's kind of
18 how you get it together and how you use it. Then you
19 take those categories, you look for the common themes
20 and you look in terms of, you know, how that might
21 affect your decision. Is there things you can change
22 in the way you're looking at a specific decision to
23 come to a better solution?

24 So it's a pretty in-depth process of
25 looking at all of those different comments,

1 categorizing them in a way that makes sure that we --
2 you know, instead of commenting to 10,000 comments,
3 we may make comments to 200 categories of comments.

4 CHAIRMAN BRUCE SHUPP: What about
5 weighting?

6 MS. BRIDGETTE ELLIS: I don't --

7 CHAIRMAN BRUCE SHUPP: This is a case
8 of what I am trying to get at is if you have a
9 special interest group who has one-track interest and
10 buses are used to generate support for one specific
11 viewpoint and you have 200 comments that say right
12 and ten comments that say left, how do you weight
13 that?

14 MS. BRIDGETTE ELLIS: Well, that
15 certainly helps us understand the depth of that
16 issue, but we want to make sure that we understand
17 all the issues and not just how many people are for
18 one issue or for another. So what we are really
19 trying to do is get the broad range of issues and
20 make sure that we can cover all of those issues.

21 So we don't really weight -- if we
22 have 200 comments one way and we have three comments
23 the other way, what we're trying to find out is

24 what's that broad range of comments and address them
25 all.

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72

1 DR. KATE JACKSON: Second question, I
2 guess the best response is that it's a struggle.
3 Recognizing that it's very difficult to capture
4 people's attention long enough to even tell them what
5 your decision is, let alone link it back to the
6 original reason why you were approaching that policy
7 evaluation, the values and priorities within that
8 that started this.

9 So, I mean, you have got to link that
10 decision to that, and then the process that you used
11 and how you were influenced as you moved along to
12 reach that joint decision. The goal is to do that.
13 And the tools that we use, one is the final
14 environmental impact statement. Bridgette already
15 mentioned this, there is an appendix in there that
16 goes through addressing specific public comments,
17 responding to them or saying that we took those into
18 consideration or that influenced our decision the
19 following way or to the -- to the comments on the
20 broad categories of comments or specifically
21 addressing or dealing with comments from federal and

22 state agencies, but that's typically -- well, in the
23 ROS it's about this thick. So it's 600 pages
24 roughly. And, you know, it's unlikely that just a
25 general person in the public would go through the

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73

1 process of feeling comfortable that their comments
2 were addressed in that way.

3 So the next part is getting help from
4 professional communicators, both internal to TVA and
5 external, in attempting to characterize the decision
6 in a way that shows that we were earnest and involved
7 the public and took their comments into
8 consideration.

9 In this particular process, Tom is
10 going to be a guinea pig next week to be able to
11 shift through some of that information and see if
12 those messages are on spot. I mean, is it working?
13 Are we communicating this process? And then it's
14 lots of hard work, meetings with local elected
15 officials, Chambers of Commerce, editorial boards,
16 trying to get that message out, but I think therein
17 lies the most significant reason for the credibility
18 gap that we discussed earlier, it is we don't see
19 that our comments influenced you, and because you

20 didn't come out with the answer that I personally
21 wanted, the process is now completely at jeopardy.

22 So, you know, I very much appreciated
23 some of the comments that were made, and that's one
24 of the reasons that we work so hard to have this
25 process for the ROS to be transparent, and I do think

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74

1 it's a model for other processes of similar import
2 for the region, but I don't think we will ever get
3 past the, if you didn't make my decision, your
4 process stinks, that's hard.

5 And we're looking forward to using
6 members of the public review group to say things
7 similar to what you said today. It's not a perfect
8 process, but we certainly wanted it to be transparent
9 in involving the public. It's an uphill battle. And
10 if you-all have advice for how we can do it better, I
11 would love to hear it.

12 CHAIRMAN BRUCE SHUPP: That's exactly
13 where I was trying to get with that question is that
14 there's a difference between listening and there's a
15 difference between doing what you heard because it
16 represents one train of thought.

17 We do have a responsibility and an

18 opportunity here as the Council to listen to the rest
19 of the presentations today and to say how can TVA get
20 better at what they're doing and come up with some
21 recommendations for that, techniques, how do we
22 improve the image that they are listening, and how do
23 we engage more people.

24 So as you hear other presentations
25 later this morning, think about those questions. How

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75

1 do we answer that to help make the process better?

2 Any more questions for Bridgette
3 before we take a break?

4 Let me excuse Bridgette. Thank you
5 very much for an excellent job, appreciate it, and
6 Dave has a comment before we take a break.

7 FACILITATOR DAVE WAHUS: I would ask
8 that the panelists meet me at the podium immediately
9 after we break so we can talk for just a moment about
10 the order and a couple of other housekeeping things.

11 Thank you.

12 CHAIRMAN BRUCE SHUPP: 10:00 to 10:45.

13 My watch says it 10:00 exactly.

14 (Brief recess.)

15 CHAIRMAN BRUCE SHUPP: We have got

16 one -- we have got four guest speakers, and a fifth
17 speaker, Dave Wahus, our facilitator, who also has a
18 lot of experience in public participation, and is
19 also going to supervise this session.

20 Our four speakers have minutes each.
21 Dave is going to go about ten minutes in his summary,
22 and then we're going to break for lunch. Then we're
23 going to come back after lunch with those speakers as
24 a panel, and then we will get into discussions,
25 comments, questions. Take good notes because you're

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76

1 going to have a lot of good input coming from these
2 very, very experienced people.

3 Our first speaker is Vern Herr. Vern
4 is a partner -- by the way, you-all have their bios
5 in your package. I am not going to read their bios.
6 You have it. I will hit the highlights when we
7 introduce them.

8 I want to take -- since I have known
9 Vern for about ten years and worked with him
10 extensively over that period, I will tell you he is a
11 partner in Group Solutions, which is a private
12 consulting firm in Atlanta. I don't believe there's
13 any firm in the country, at least I am not aware of

14 any firm in the country, that has done more
15 facilitating for natural resource issues over the
16 last ten years than Group Solutions has.

17 They have worked with industry, the
18 sport fishing industry. They have worked with the
19 Corps of Engineers, Fish and Wildlife Service, with
20 about six or seven different state agencies in not
21 only facilitating meetings but doing a strategic
22 planning process for those groups, worked for the
23 largest fishing tackle manufacturer in the United
24 States, they did their business strategic plan,
25 worked on a lot of conflict resolution stuff for

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77

1 B.A.S.S. and for ESPN, did informational type public
2 meetings, did conflict resolution meetings, did all
3 types of things with us.

4 Vern is going to bring you a great
5 deal of experience in his presentation of what works
6 for public input. Vern, glad to have you.

7 MR. VERN HERR: Thank you, Bruce. My
8 wife hates it when he gives me those big buildups
9 like that. I come home and I am unbearable.

10 I got a phone call last week from
11 Terri, and she said, will you come in and offer us

12 some perspective and some lessons learned from your
13 reservoir of experience on what works well in public
14 input meetings? So that's what I am here to do
15 today.

16 Just a quick overview of a couple of
17 things that we have worked on. Group Solutions did
18 do round one of the Reservoir Operations Study and
19 the draft environmental impact statement meetings
20 that happened last year. So that's part of what I
21 would like to talk about, but primarily I would like
22 to share with you some observations and just some
23 experiences that go along with some other things that
24 include work that we have done at the metro North
25 Georgia water planning district, 50 meeting

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78

1 basin-wide initiative that we have been working on
2 for the past two years that has some similar
3 challenges to what you're working on here, and a host
4 of some other things that I will be picking up and
5 highlighting some specific case study examples from,
6 but generally what I wanted to do was offer up some
7 generic vanilla things that you may wish to consider
8 on things that we found that worked.

9 Well, Bruce gave us a bit of an intro,

10 just a quick word on Group Solutions. We are four
11 professionals, full-time, based in Atlanta, Georgia,
12 with an extensive network of about 50 international
13 associates that we call up from time to time to help
14 us with projects that we're working on. They call us
15 to help them with projects that they are working on
16 as well. So we're a small group. We tend to get
17 involved with the front-end strategy pieces, public
18 input and governance work at the very early stages of
19 a process. We get in and get out. We have a strong
20 preference for working on processes and projects that
21 haven't ever been done before and working in some new
22 areas.

23 So here's the easy part, if you don't
24 take anything else away from what I came here to
25 speak about in my segment, I have got four pieces.

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79

1 There will be a test later on, so you will see these
2 again, but data, if you think about it, is very
3 unlike just about every other asset we have in our
4 organization.

5 You buy a piece of software, it's
6 obsolete in about 18 months. You buy a piece of
7 furniture, it wears out. You buy a car, you drive it

8 off the parking lot, it depreciates almost
9 immediately. Data is the only asset that you have in
10 your organization that becomes more valuable the more
11 you use it.

12 In our opinion and in our experience,
13 there is seldom, if ever, any downside with asking
14 the public to be involved in the process. Now, I
15 want to highlight that what we're talking about here
16 is not democracy. Public involvement doesn't mean
17 that we're inviting the masses to make decisions for
18 us. Public involvement means we want to get some
19 decision -- we want to get some input, evaluate it
20 with expert review, refine that, have others take a
21 look at it, and make final decisions, but our
22 experience has been that it is never a bad thing to
23 involve public or stakeholders in the discussion and
24 information gathering process.

25 Another piece that, I think, is a real

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80

1 truism of public meetings is we don't all have to
2 agree. It's a good thing because we don't, as a
3 rule, but we don't all have to agree to have a good
4 session and to get a better understanding what the
5 positions are out there. Healthy conflict is a good

6 thing if we can manage it with appropriate boundaries
7 and put it to good use.

8 My final piece is that if you don't
9 take anything else away from my presentation today, I
10 hope you will remember that if you're going to engage
11 stakeholders, please remember, don't use them and
12 lose them. If they cared enough to be involved in
13 the process from one meeting, there's a high
14 probability that they want to continue to be
15 involved. And I think I heard some nuggets from our
16 discussion that we want to make sure that not only we
17 take input from them but we feed back what's
18 happening and we keep them apprised of what we did
19 with that input, critical component.

20 A couple of observations from us, all
21 highly biased. We believe that, in general, teams
22 make the most informed decisions. If I asked
23 everybody in the room here what the molecular weight
24 of mercury was, there's probably a low probability
25 that any single person knows that, but we probably,

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81
1 as a group, have that information someplace. Most
2 decisions are a lot like that. If we get a broad
3 enough sample, we have got the right answer in there

4 as a team. We may not have that as individuals.

5 Most of us don't play real well in
6 groups. And when we bring stakeholder groups
7 together, this problem tends to get aggravated. By
8 that what I mean is, with the exception of sporting
9 or band, I didn't have any instruction in my high
10 school or my college or anyplace else in my
11 professional career that taught me how to work in
12 groups.

13 When we invite a group of people in
14 for a public input meeting, guess what, that doesn't
15 get any better. We have people that want to advance
16 their agenda. We have people that want to advance
17 their careers, grandstand or take over the meeting,
18 and that's a real dimension that we have to be aware
19 of when we're talking about inviting the public in
20 and thinking about what's going to happen and
21 preparations that we have got to make to make sure
22 that we have got a successful outcome in them.
23 Important to recognize that and be realistic about
24 that from the get-go.

25 Another strong finding is that even

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2 express their opinions, their wants, needs, desires,
3 more often than not, we find that the most important
4 thing is that they needed to have a voice and know
5 that they were part of the process much more so than
6 they have to have 100 percent wins.

7 Our experience is that if I go to a
8 meeting and I report back to my constituent group and
9 I can say, I fought the good fight, I was one vote
10 out of 92, didn't carry the day, my group is still
11 going to respect me and think that I did a good job.
12 Most stakeholders don't need to win every battle, but
13 they do need to make sure that their voices were
14 heard and felt like they were engaged genuinely in
15 the process.

16 Most importantly, and I think this
17 ties back to some of the discussions we heard earlier
18 and is at the root cause of our attendance issue, is
19 stakeholders really hate to have their time wasted.
20 The higher you go in the organizational chart, the
21 more pronounced this becomes.

22 When you have executives, you better
23 be able to tell them what you're doing, show them why
24 their input is valuable, make some connection, make
25 it quick. When we're having public input meetings,

1 what people tell us is, part of the reason why we
2 hate coming to them is somebody sticks a microphone
3 in the auditorium, there's a guy that comes out from
4 the Bear Skins and Stone Knives Alliance and speaks
5 for 20 minutes and I never get an opportunity to make
6 my voice heard and I hate going to meetings like
7 that.

8 The hardest part can be getting
9 started. And in the public input process in the
10 planning phase, we find a lot of groups manage the
11 worst. They think if we ask people, my, gosh, they
12 are going to tell us they don't like what we're doing
13 and that will be awful and how will we handle that,
14 and in many cases what's imagined is far worse than
15 what actually happens because what happens is people
16 say, thank you for inviting us in, we appreciate the
17 opportunity to share feedback and be part of the
18 process, and 99 times out of 100 that's an extremely
19 positive process.

20 The most difficult meeting tends to be
21 the first one. Bruce, you have been involved in a
22 number of them where Fish and Wildlife Service had
23 strategic plans that they wanted stakeholders to
24 review. Stakeholders came in and just ripped it up
25 one side and down the other, said it's terrible.

1 Well, the fact of the matter was, it was not
2 terrible, it had a couple of key pieces that needed
3 to be reworked. The stakeholders gave them some
4 information on the edits, which were incorporated,
5 and an interesting thing happened, it became
6 everybody's plan once those changes got made.

7 So generally the first meeting you
8 have is going to be the one where the greatest amount
9 of static comes out, the most negativism is
10 expressed, and if you can make some appropriate
11 changes with that, that's when we see what I like to
12 refer to as the Apostle Paul syndrome, your biggest
13 persecutors can become your greatest evangelists.

14 One of the things that we talked about
15 that we just believe to our core is that honest
16 conflict is probably a good thing, and I would like
17 to illustrate what I am talking about with that. I
18 think this will ring true.

19 There are a couple of different -- I
20 am calling them fights, differences of opinion, that
21 we see all the time. The first one is the good
22 fight. The good fight is we understand what the
23 issue is and we disagreed. We have a budget process.
24 I think that X number of dollars should be going

25 towards sales. Somebody thinks Y number of dollars

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85

1 should be going toward marketing. Somebody thinks Z
2 number of dollars ought to be going to something
3 else. We understand what's going on, we disagree.
4 We can figure this out.

5 The bad fight is when we don't
6 understand what we're talking about and we still
7 disagree. We're talking about different things,
8 we're disagreeing, but we don't even understand what
9 were disagreeing about.

10 You see this in the first round of
11 meetings a lot of times. It's a very dangerous place
12 to be because people are talking about -- people are
13 not even speaking the same language or understanding
14 why they disagree, and that can be very difficult to
15 work through.

16 The worst possible fight is when we
17 don't understand what's going on and we actually
18 agree, and I think a good example of that is some of
19 the hunting groups that we work with. People come
20 into these meetings with baggage of, well, party A is
21 liberal and party B is conservative. So I know what
22 liberals think and I know what conservatists are

23 trying to do, and we come in and the hunters talk to
24 these darned environmentalists and they say, you
25 don't even want me to go hunting, you're trying to

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86
1 take my guns away. The environmentalists say, no. I
2 go hunting, too. What are you talking about?

3 It can be a real interesting, auh-ha
4 when we find out that we agree on things we don't
5 even know that we agree on. So the worst possible
6 fight is when we don't understand.

7 Getting at the underlying assumptions
8 is really what the whole process is about to us, and
9 understanding why we agree, why we don't -- why we
10 don't agree is really what the whole process is about
11 from our perspective.

12 Your actual mileage may vary on this,
13 but one of the other truisms that we find in almost
14 all of our public input work is that 2 percent of
15 almost every population is insane. Your actual
16 mileage may vary, but because you open the doors up
17 and let everybody in doesn't necessarily mean that
18 you're going to attract people that are reasoned and
19 that have comments that you can use. And I think
20 it's important to understand that some of that is

21 going to have to be filtered, and that can be a very
22 difficult and tricky thing to do.

23 As we're talking about a couple of the
24 alternatives and the approaches, I think that one of
25 the questions I like to ask is, why be normal?

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87

1 If you think about the advances in
2 technology and productivity that the American
3 workforce has experienced over the last 20 years, you
4 think about the use of e-mail, use of data
5 processing, and lots and lots of techniques that have
6 been applied to make us more productive, and you look
7 at meetings, about the only thing that's changed in
8 most of them has been the invention of the white
9 board. We haven't really applied very much
10 technology to make meetings any better. So it's not
11 a big wonder to me why people are reluctant to
12 participate in bad ones.

13 What I would like to show you here is
14 some of the approaches that we have worked with that
15 blend facilitation and technology that help us to use
16 everybody's time very effectively, give everybody
17 that attends the meeting an equal opportunity to
18 participate and be heard, some ways in which we can

19 open up larger audiences and effectively get input
20 from much larger groups than we traditionally would
21 be able to, and very importantly, some techniques and
22 some strategies we can use to kind of redirect some
23 of that dissonance that we get sometimes in public
24 meetings when we have folks that are meeting bullies,
25 hijackers and grandstanders, and I know none of you

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88

1 have had them at your meetings, but rest assured, we
2 get them at ours, how do you take that energy and use
3 it effectively?

4 A couple of caveats about applying the
5 technology to meetings. We have a friend in Norway
6 that we work with that says this much better than I
7 do but "Ei dum hos ei verktoy be fortstatt ei dum,"
8 which paraphrasing, meeting tools and technology are
9 great, very cool thing to add to the agenda, but
10 understand that none of them are silver bullets. No
11 piece of technology is going to solve all of your
12 problems. At the end of the day, people still run
13 the meeting. My friend Paul in Norway that
14 translated the Norwegian is actually, "A fool with a
15 tool is still a fool."

16 So I want to make sure everyone

17 understands that some of the things that I am going
18 to share with you here can be real effective, just
19 like a chain saw. And just like a chain saw, you can
20 do a lot of damage real quickly if you use the wrong
21 tool and the wrong application or you're under the
22 impression that just because we put this in things
23 are going to change and we're going to have a great
24 meeting.

25 What we find most times is that the

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89

1 most effective meetings are going to contain a
2 balance of input, discussion, perhaps a second level
3 of input and some other clarifying discussion.
4 There's no one right tool here that's going to be
5 appropriate for every situation.

6 One of the interesting learnings that
7 I wanted to share was when we first proposed using a
8 couple of these tools on the Reservoir Operations
9 Study, we had a lot of push back. We had some folks
10 from TVA that said, not possible. You're going to be
11 taking this out to some people that are rural and
12 basic. They have never seen a computer. They are
13 not going to be able to use a computer, and it's not
14 going to work.

13 One of the other caveats on technology
14 in our experience has been that everybody does not
15 like it. Probably a little bit more than 2 percent
16 of the folks that we get in front of in public input
17 meetings, when we don't have an open mic, tell us
18 they absolutely despise the process. The reason why
19 they despise the process is because they are
20 frustrated game show hosts and they wanted to take
21 over the meeting, and this prevented them from doing
22 that. So I think it's important to understand some
23 of the objections and why people don't want to use
24 technology. It gets in their way, and frequently
25 that's a real good thing.

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91

1 A couple of examples of what we found
2 that works, and I'm bold enough to make that
3 statement because these are techniques that we have
4 used in a variety of approaches with clients that
5 invite us back. So about -- over the last five years
6 about 80 percent of the client base that we work with
7 invites us back to do more meetings. So I'm bold
8 enough to make the assessment that these work.

9 First and foremost, I would advise
10 strongly that you think hard about ways you can

11 leverage the internet. By this, we like to do
12 pre-session surveys and recommend them strongly so
13 that when you bring folks together you're not
14 starting with a clean sheet of paper.

15 Even a ten-question survey in advance
16 of a meeting enables you to do your homework,
17 identify some hot questions, talk about the right
18 things and talk about the things that are on people's
19 mind. It sets the right tone and gets you off on the
20 right foot.

21 One of the other really cool things
22 about what our firm gets to do is we are not subject
23 matter experts in any area. So one of my great joys
24 is being able to present out survey results and have
25 somebody come in to a meeting and say, well, you know

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92

1 what, everybody in my county thinks this, and have
2 some survey results that we can put up and say, well,
3 sir, that's very interesting and obviously you
4 believe it strongly, but we have got 150 responses
5 and you're a population of one.

6 So it's very nice to be able to have
7 some data in advance of meetings to be able to say,
8 we have got some preliminary trend lines that we'd

9 like the group to comment on, and here are some
10 starting points. It can really help get discussions
11 focused properly.

12 As we have talked about, one of the
13 worst things that we can possibly have is an area
14 where everybody agrees and we're still talking about
15 it. So pre-session surveys a lot of times enable us
16 to identify areas of high consensus that we can say,
17 well, if 90 percent of us agree on a particular
18 position or issue, then we need to talk, and the
19 answer is, no, let's move on and talk about something
20 that's germane and relevant, helps us be focused on
21 the right things.

22 With our web surveys we have got an
23 option for including folks that can't attend or are
24 unable to, and that's been a real powerful piece in
25 DEIS work that's been done. A lot of folks that come

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93

1 to public meetings only have five minutes, and the
2 ability to comment using the web has been real
3 strong. We can also use these to keep the lines of
4 communication open after the event, to continue the
5 dialogue as well.

6 Here's an example of what we use in

7 DEIS. We asked for name, address, and some
8 particulars because that's a requirement of the NEPA
9 process. This is what people saw when they went to
10 the web.

11 We didn't ask them to comment on
12 everything. We said, here are 28 resource areas that
13 have been studied and a series of plan alternatives,
14 what do you think about these? That's what we used
15 on both the web and the real time piece.

16 Another tool that I am just going to
17 touch on real briefly is the use of wireless key pads
18 for real-time interaction with groups. I don't have
19 one with me, but they are a little bit larger than
20 this remote that I have got.

21 DR. KATE JACKSON: They have used
22 them.

23 MR. VERN HERR: They have used them,
24 perfect. We have got simultaneous and
25 anonymous input from everyone in there. Probably the

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94
1 most useful -- single useful application of this is
2 establishing that everybody doesn't agree right up
3 front, a wonderful place to start the discussion by
4 giving people a couple of alternatives, polling

5 real-time and establishing that we're all over the
6 place on an issue.

7 We can also use it for weighting and
8 actual decision-making in other applications. We
9 have a real strong bias to never asking a question
10 one time but to polling multiple times and
11 understanding what the underlying assumptions are
12 underneath there to have better discussions and, most
13 importantly, try and track if the idea collisions
14 we're having are good fights, bad fights, or
15 something else.

16 Here's an example of one that we used
17 in a hunting group, and it works about this fast.
18 And if you have seen it in action before, it's about
19 this quick. Pull a question up. Everyone hits the
20 button. We have got a response and a wonderful
21 launching pad for another level of discussion with
22 the group.

23 We talked a bit about leveraging
24 interactive PC networks. I want to present a typical
25 meeting scenario, one that we worked with last week.

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95
1 A two-day meeting, seven hours a day, 60 minutes, 50
2 participants, spread that out, and over two days each

3 participants has 8.4 minutes to participate. Is that
4 enough? In a lot of cases the issues we're dealing
5 with, it probably isn't.

6 By enabling everyone to input
7 simultaneously, we level the playing field and let
8 everyone participate. By making participation
9 anonymous, the dynamics of the input changes as well
10 because you remove the ability for me to tell
11 somebody what I think he may want to hear or not. My
12 comment is as valid as David's, and that's a very
13 different environment.

14 Using these we typically link multiple
15 sessions into a common database. So each session
16 doesn't stand on its own, but we're building a
17 compendium of information that can be compared and
18 contrasted later on. We use these in a variety of
19 formats. Sometimes the input discussion format is
20 appropriate. Sometimes we just want to bring people
21 into a public meeting and let them comment in
22 specific areas and that's a better way to go.

23 To give you an example of what this
24 looks like. Here's a small room that was set up for
25 the Basin Advisory Council in Etowah. We have about

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1 20 folks that are commenting on that, all being
2 captured electronically, and the transcripts of that
3 meeting were carried forward to the others. So as
4 the process went through successive iterations,
5 everybody could see what participants from prior
6 meetings had inputted and commented on that way.

7 Integrating responses is just a huge
8 piece, and most of the sessions that we work with
9 have to tie together somehow. And so the creation of
10 a common database, where all of this can reside and
11 be analyzed and figure out what it means is huge. In
12 the NEPA process there's some very specific
13 requirements that say, name, address, phone number
14 has to be recorded, as well as responses to questions
15 and comments from folks. So some way of grouping and
16 categorizing that, making some sense out of this
17 mountain of input is critical.

18 As we talked about, not all comments
19 are equal. So some of them tend to be repetitive, I
20 like option A, I like option A, I like option A, you
21 can put those in a bucket and separate those from
22 some breakthrough thinking, some challenges to
23 conventional wisdom. And by putting these into a
24 database and letting an expert team review them, we
25 can sort through this pretty rapidly and have a way

1 of creating a useful product.

2 The final issue on this is the use of
3 on-line panels. Your avid stakeholders probably are
4 very eager to stay involved and engaged in the
5 process, and finding a way to let them know about
6 your processes is critical.

7 What we found to be extremely
8 effective is in asking people, as you're doing it at
9 TVA, may we continue to contact you for other future
10 activities, we have a high percentage of people that
11 come to meetings that say, yes, please do that. By
12 maintaining e-mail rosters of the folks that want to
13 be involved and by sending out notices of on-line
14 focus groups, on-line surveys and discussions, we
15 find that the rate of responses tends to increase
16 fairly significantly.

17 Just one quick example is one that we
18 have done for the ESPN group shortly after acquiring
19 the B.A.S.S. folks. They wanted to do some quick
20 analysis of some attitudes and behaviors. They had
21 an extensive database that we were able to pull from.
22 And in under five days, by sending a list of
23 invitations out to these avids, we got over 1,600
24 responses of folks that said, here's what I like,
25 here's what I pay attention to when your advertisers

1 put a message. We were able to sort demographically,
2 and we have a poll of participants now that we can go
3 back to and poll Puerto Rican women if we want to go
4 a demographic slice of that, poll white males between
5 the ages of 17 and 75, if we want to, a very powerful
6 tool for staying engaged with the group and
7 continuing to have dialogue with these folks.

8 We're working right now with Florida
9 Fish and Wildlife and have recently been engaged by
10 Alabama Department of Conservation to set up similar
11 projects where they can stay engaged with folks and
12 do some of these activities on-line where it's not
13 possible from a cost or time perspective to bring
14 folks in for focus groups.

15 In Florida we have kind of blended all
16 of these pieces, and I'll be happy to talk with any
17 of you later on about how all of these fit together,
18 where we started with a baseline of citizens,
19 surveys, stakeholder surveys, and employee surveys to
20 form the basis for a strategic plan that they are
21 working on, went through an expert review process,
22 and that pointed to the need for some organizational
23 realignment, not something that they were expecting
24 to do or hoping to do, a process that was initiated

25 that we assisted with.

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99

1 And interestingly, because of the
2 degree of public input, the recommendations that were
3 submitted, a plan that went forth was approved by
4 both the Senate and the House first time through,
5 which is unprecedented. Typically, if the House
6 okays it, the Senate vetos and vice versa. It's
7 unprecedented that anything has sailed through like
8 that with unanimous endorsement.

9 Bottom line on this was they said, you
10 have so much public comment on it, you have listened
11 to the folks that have told you what they want, we
12 can't argue with any of the conclusions. The
13 homework had been done on it, and they are continuing
14 to keep these folks engaged via on-line panels and a
15 series of activities to continue to mind that data
16 and reuse those folks.

17 So quickly to wrap up, data, the only
18 asset that becomes more valuable the more you use it.
19 Seldom, if ever, any downside for getting public
20 involved and having that as a component to work from.
21 We don't always have to agree. Stakeholders, don't
22 use them and lose them.

23 Thanks. Thank you.

24 CHAIRMAN BRUCE SHUPP: Thank you,

25 Vern. Appreciate it.

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100

1 The next speaker is Avis Kennedy.

2 Avis is in her second round here. She was at the
3 last meeting, if you recall, with the Corps of
4 Engineers talking about recreation. Avis is the
5 chief of natural resource management with the Corps
6 in Nashville. She lives in Nashville. She's a
7 member of the National Recreation of Parks
8 Association and its state affiliate, The Tennessee
9 Recreation and Parks Association. She's going to
10 talk to us about the Corps of Engineers public
11 participation.

12 Avis.

13 MS. AVIS KENNEDY: Thank you, Bruce.
14 You're probably going to hear several similarities in
15 what I have to say this morning with some of the
16 things Bridgette said. I was interested to see how
17 similar the two agencies have approached some of
18 their requirements for public involvement, but one
19 thing I have noticed in the TVA meetings that I have
20 gone to specifically a few years ago on the Shoreline

21 Management Initiative is you-all had free food. I
22 thought that was really great. That should really
23 increase the number of people coming out. The Army
24 won't let us have free food at our public meetings.
25 So maybe I need to see if I can do something about

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101

1 that.
2 What are some of our goals in terms of
3 public involvement?
4 Specifically with reference to land
5 use planning and to our Shoreline Management
6 Initiatives, we want to solicit input on the
7 management of the natural resources in order to
8 ensure their continued availability to the public,
9 provide a safe and healthful environment for project
10 visitors, and we're also looking for input on how to
11 conserve natural resources while still providing
12 public recreation opportunities.
13 On what types of decisions do we
14 solicit public involvement. One thing I would like
15 to say is the Corps primarily does its public
16 involvement on a localized basis. There have been
17 some nationwide efforts at stakeholder meetings.
18 What I want to talk about today is the very localized

19 process that we use for land use decisions and for
20 shoreline management decisions.

21 We have found that people are far more
22 interested in and far more likely to respond to
23 issues that they feel will directly affect them or
24 directly affect the areas that they plan to visit.
25 Sometimes we even have more than one meeting on the

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102
1 same issue on a lake. With a large lake, we may have
2 two or even three in different localities to try to
3 make it as easy as possible for members of the public
4 to attend the meetings.

5 Specifically with reference to our
6 shoreline management program, shoreline management
7 under the Corps' definition governs private exclusive
8 use of the land to waters that the Corps owns by
9 adjacent property owners. So this governs private
10 docks, permitting of private docks, and other private
11 privileges, like mowing grass on public property
12 around the lakes.

13 Our shoreline management regulation
14 for the Corps requires us to review each shoreline
15 management plan at least every five years to
16 determine whether or not the plan needs to be

17 updated. We're pretty religious about doing this at
18 all of the lakes in the Nashville district where we
19 do have a shoreline management plan and permit
20 private privileges.

21 Revision may or may not be needed upon
22 that five-year review. Although, more often we find
23 that revision of the plan in some way is required.
24 We have an individual plan for each lake, not an
25 overall plan for a whole river system or whole

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103

1 district.

2 We also use public involvement in
3 reference to master plan changes that involve land
4 reclassification. These are sometimes in conjunction
5 with the full blown NEPA process with environmental
6 assessment. Sometimes it's a more abbreviated
7 process to determine whether or not an environmental
8 assessment may be needed.

9 We've successfully used a 15-day sort
10 of abbreviated scoping process recently at Percy
11 Priest Lake to determine whether or not what appeared
12 to be a compromise between greenway interests and
13 hunting interests had actually satisfied everybody on
14 both sides.

15 We did a 15-day public comment period
16 and found that both sides were quite satisfied.
17 Therefore, we determined that that particular action
18 did not require an environmental assessment, and we
19 were able to go ahead and make our master plan
20 change.

21 Regulatory program actions, and these
22 are pursuant to Section 10 of the Rivers and Harbors
23 Act, Section 4 for the Clean Water Act, and this
24 roughly equates to TVA's mirror process under 26(a),
25 and that has its own set requirements for public

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104

1 notices and so forth.

2 We also use public involvement on
3 unusual or controversial requests or those that could
4 have cumulative environmental impact. Examples of
5 those would be expansion of an existing lease area or
6 new leasing of public land, and those are usually
7 done under the rather structured requirements of the
8 National Environmental Policy Act.

9 I am going to talk a little bit about
10 some methods that we use to accomplish the public
11 involvement, including meetings, workshops, open
12 houses, newsletters, news releases, web sites, and

13 personal contacts.

14 First of all, at the lakes where we
15 have the most active shoreline management programs
16 where we have the most permits and we have the most
17 demand for private exclusive use, we generally have a
18 public meeting -- at least one public meeting in
19 association with each five-year update.

20 The issue, by its nature, is almost
21 always already controversial. We tend to have large
22 groups at some of these meetings, and we have
23 requirements to demonstrate that we have had
24 effective public involvement under our own
25 regulations.

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105

1 Sometimes we have workshop format
2 rather than a more formalized meeting format.
3 Workshops tend to be good if you have some
4 information you want to present, especially if you
5 have visual information you would like for people to
6 look at, you can set up exhibits around the room.

7 In this particular case, we had them
8 divided up geographically by counties so that people
9 could go and look -- if they were interested in
10 Pulaski County, Russell County, whichever county they

11 were interested in, they could go and look at the
12 portion of the exhibits that interested them best.
13 We have a number of Corps personnel there available
14 to discuss a one-on-one basis with people. It has a
15 lot less formal feel to it.

16 Open houses we use pretty much on an
17 annual basis at every lake. These are sort of a --
18 part of a good neighbor policy. We want people to
19 feel that there is at least one time a year that they
20 can come to the Corps office or to some other
21 location, that the open house takes place over a
22 period of hours so they can come, hopefully at their
23 convenience, talk to Corps representatives about
24 things they are interested in and feel that they have
25 some relationship with the staff at the individual

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106

1 lake.

2 Often we have no specific information
3 that we're presenting at these workshops. We are
4 listening to what the public is interested in or
5 helping by answering their questions, and we do have
6 those once a year at each lake.

7 We use news releases fairly
8 effectively, I think, in letting people know when

9 we're going to be doing our workshops or particular
10 meetings on certain subjects. I would like to show a
11 little bit about how we're able to integrate various
12 methods together.

13 Everybody should have a copy of a
14 little newsletter we do here. This is the Lake
15 Barkley Newscast. We do one or two newsletters a
16 year at each lake, and I don't feel like I can tell
17 TVA a whole lot about publications because TVA has
18 some of the most beautiful publications that I have
19 run across in trying to get information out to
20 people. These are very informal. These are low in
21 cost, and they are localized to the individual lake.

22 In this particular one, on the front
23 you will see the first thing we're announcing is our
24 public information workshops for January 2003. So
25 we're using this -- we mailed this to a mailing list

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107

1 that includes all of our permit holders at the lake.
2 It includes everybody who has ever expressed any
3 interest in how we're managing things at the lake and
4 people who have attended previous meetings and just
5 generally said, hey, I would like to be on your
6 mailing list. So the mailing list at a lake like Old

7 Hickory where we have a lot of permits can be easily
8 three or 4,000 on the mailing list, not quite as many
9 at Lake Barkley.

10 But we send this to everyone and we
11 say, this is when we're going to have our public
12 information workshops. Also, at the end of the
13 second paragraph, you will see that we give our web
14 site where the shoreline plan is available to be
15 reviewed.

16 So before they come to the workshop,
17 they can look at the plan and review it so they are
18 not sitting there trying to read it or figure out
19 what the changes are going to be when they actually
20 get to the meeting. We state the changes proposed in
21 the plan are preliminary.

22 In this case we had some changes that
23 we were proposing, and we knew we wanted to propose
24 these changes, so we went ahead and put them out
25 there in the draft so they could look at them and

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108
1 evaluate whether they thought those were good changes
2 or poor changes or whether there were other changes
3 they wanted to suggest.

4 You will see that we had three

5 locations on Lake Barkley, which is a very large lake
6 and kind of strung out. So we actually had three
7 meeting locations at that lake.

8 So we used the newsletter, the news
9 release and the web site in conjunction to try to get
10 people the information they need to choose the
11 meeting they are going to go to and be well informed
12 when they get there.

13 We have had excellent success with web
14 sites. Right now some of you may have heard the
15 Corps is proposing to close some recreation areas.
16 Although, that's a recreation oriented issue, not
17 necessarily land management, we have made very
18 effective use of a web site that tells people what
19 we're proposing to close, where they can go instead,
20 who they can call for further information.

21 We can also link to all of the
22 different news articles that have been published so
23 they can see what the coverage has been in the
24 Tennessean, in the Rutherford County Paper, and all
25 of those are right there on that web site. They can

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109

1 link to the individual lake sites.

2 It's important on any web site or any

3 news release to make sure that you have the name and
4 telephone number of someone the public can call for
5 further information and that that person is going to
6 be there and be in the office and be available to
7 answer the calls for at least several days after the
8 information goes out to the public.

9 Personal contacts, I characterize most
10 of these as being kind of preventive in nature. Some
11 of you may recognize Nashville Mayor Bill Purcell
12 here with our resource manager at Percy Priest Lake
13 Todd Yann. Mayor Purcell actually spent a day on the
14 lake at Percy Priest and, I think, came away with a
15 better understanding of the Corps' goals and
16 management of the lake and some of the issues that we
17 deal with at the lake. The primary benefit of this
18 is to prevent surprises later on, both for the
19 elected officials and hopefully for the Corps.

20 There are several techniques we use
21 for conducting public meetings. I will talk a little
22 bit about the nominal group technique, which I
23 believe Bridgette made some reference to, one-on-one
24 with the area rangers or the open mic technique that
25 we have talked about a little bit here this morning.

1 We have made some effective use of the
2 nominal group technique. It breaks people up into
3 small groups, usually anywhere from maybe six or
4 seven up to 10 or 12 people. They have an
5 opportunity to identify issues that are important to
6 them based on maybe a kick-off question that they are
7 given.

8 It works well in that it can break up
9 groups that come in to together. Typically, you give
10 them name tags that have red, blue, green, yellow,
11 and all the reds go to one room and the greens go to
12 another and the blues and so forth.

13 It can diffuse really hot situations
14 that you have. It can help everyone have a voice so
15 that you don't have your meeting bullies and people
16 that are going to hog up the microphone. Everybody
17 has a chance to have something to say, whether they
18 are naturally inclined to get up in front of the
19 group or not.

20 It is labor intensive in that you have
21 to have facilitators for all of your groups. You do
22 have to follow up. It is very important for
23 credibility to follow up on all of the issues that
24 are brought up and get that information back to
25 everyone who participated. I will say it will lose

1 its effectiveness if it's used repeatedly with the
2 same group.

3 And in the arena of shoreline
4 management where you're basically looking at the same
5 issue, we're looking at it every five years, they get
6 kind of tired of this being broken up into little
7 groups and having the questions and writing on the
8 chart.

9 And we have had large groups of people
10 who when they were told to -- the red go to room one
11 and the blues go to room two refuse to disperse. And
12 when that happens, you know you have used the nominal
13 group technique one time too many on that particular
14 issue or on that particular location.

15 One-on-one with the area ranger works
16 well. All of our lakes have -- each lake is divided
17 into areas with one ranger responsible for each area,
18 have all of your rangers there, and you can tell
19 people, if you have an issue, you know, the ranger
20 for the area from the dam to the head of Drake's
21 Creek is going to be over in this corner, and so on
22 and so forth. That really helps with relationship
23 building with the ranger, and it can make you better
24 able to sometimes answer very simple questions that
25 people have and they just haven't been able to get to

1 the right person yet.

2 Open mic technique, we have all seen
3 this. It has its place in that sometimes this type
4 of meeting is required by the process that you're
5 going through. It has disadvantages in that some
6 people do tend to hog up the microphone. People
7 whose point of view that may be in the minority may
8 feel intimidated and not want to get up and speak.

9 I think sometimes you have to do it,
10 and I will say that what I have seen is if you have
11 made a mistake, sometimes it's just better to do this
12 and take your lumps, have an authority figure there
13 who is willing to get up in front of the group and
14 just take it and listen so that everybody feels they
15 have been heard and then go back and change your mind
16 about whatever it was you're going to do. And I
17 definitely think it has its place in that. Although,
18 it can be painful while it's actually going on.

19 In conclusion, I would just like to
20 say that in the Nashville district the decision on
21 the number of meetings, the timing of the meetings,
22 and the type of meetings is primarily made at the
23 local level with some review at the district level.

24 So we don't have a template that we say, in this type
25 situation you always have to use this type meeting.

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113

1 The local manager is in touch with the
2 community, largely in touch with the issues, and we
3 have had good results from allowing that local
4 manager to say, I think I am going to have a really
5 big crowd, you know, I am going to need to have some
6 formalized way to break up the group, or I think I am
7 going to have a light turnout, we don't have any
8 controversial issue right now, I think a workshop
9 would be fine. And since we have been having the
10 meetings on a more regular basis, it seems to have
11 worked quite well to let the local manager make that
12 call.

13 The other thing is I would like to
14 emphasize the necessity to coordinate all of the
15 different methods you're using to communicate with
16 the public, the newsletter, the workshop or meeting
17 itself, news releases, and the web sites all need to
18 be integrated so that you make reference from one to
19 another and people are able to use the web site to
20 get the information they need before they go to the
21 meeting, that they also are able to use the web site

22 or the news release to find out who to call for
23 additional information.

24 We usually follow up by answering
25 every piece of written mail that we get on shoreline

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114

1 management issues. And obviously, not everyone is
2 always happy with your decisions. We will need --
3 meet with people at their request, and we never
4 refuse to meet with an individual, sometimes
5 repeatedly.

6 If they appear dangerous, we will try
7 to meet with them in a federal building where we have
8 guards there, but we never refuse to meet with
9 someone, and I do think that contributes to at some
10 point, although they may not receive a decision
11 that's favorable to their request, they will feel
12 that they have been heard.

13 Thank you.

14 CHAIRMAN BRUCE SHUPP: Thank you,
15 Avis. Thank you very much.

16 The next speaker is LaVerne Kyriss.
17 LaVerne is the corporate communications manager for
18 the Western Area Power Administration and also the
19 president elect of the International Association of

20 Public Participation.

21 Another interesting fact about LaVerne
22 is that she spent 13 years of active duty and ten
23 years in reserve with the U.S. Army, where she
24 finished her career as a sergeant major in the office
25 of the Chief of Public Affairs, and I would imagine

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115

1 you got a few things done in that role. So we're
2 certainly glad you're with us today.

3 MS. LAVERNE KYRISS: I have had a rich
4 full and life, Bruce. Thanks. Thanks for inviting
5 me here. I certainly appreciate the opportunity to
6 come and share a little bit with you-all about a
7 different part of the Department of Energy, about an
8 agency that sales federal hydropower.

9 And so, first of all, I want to just
10 briefly tell you who and what is Western. Many of
11 you have heard of Bonneville Power Administration,
12 one of our sister agencies. They sell power in the
13 Pacific Northwest. That's the little white corner on
14 this map.

15 This is our service territory, and we
16 have four regions. We don't own the power plants,
17 and we only sell hydropower. So we sell power from

18 55 hydropower plants that are owned and operated by
19 the Corps of Engineers on the Missouri River, the
20 Bureau of Reclamation on the Colorado River and in
21 California, and a little tiny state department agency
22 called The Inner Boundary Coordination and Water
23 Commission. So our power providers are three
24 different departments of government.

25 We do own and operate 17,000 miles of

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116

1 transmission lines, which is pretty similar to the
2 amount that TVA owns and operates. Our service
3 territory is 1.3 million square miles, but we're not
4 the big fish or the 800 pound gorilla. We're just a
5 small player in our service area. So how we interact
6 with the public is different than the way TVA or
7 Bonneville interacts.

8 We sell power from 14 different
9 projects that have 14 different congressional and
10 acting legislation in 11 different rate setting
11 systems. And I believe TVA has one integrated rate,
12 I think.

13 So can you imagine multiplying what
14 you do times 11?

15 We know that everybody wants low cost

16 power. They would really prefer it if you gave it to
17 them for free or at least that's what our customers
18 tell us. We do build power lines with all the land
19 use issues. In the 1980's we built 1,800 miles of
20 lines, and in the '90s we built 1,200 miles, so
21 that's 3,000 miles.

22 Right now we're building a little
23 project in California called Path 15. When the
24 President released the national energy strategy, he
25 said, "We have got a problem in California and it's

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117
1 causing blackouts." In the winter of 2000, 2001, you
2 might remember that, there was no lights in San
3 Francisco for several days repeatedly. He said,
4 "We're going to fix that." And he told my boss, the
5 administrator of my agency who works for the deputy
6 secretary of energy, "Mr. Hascalo, fix this."

7 And we said, "Yes, sir, Mr. Secretary,
8 we will fix that." And we have started construction
9 on that project, and it's going to be finished next
10 winter. It's 83 miles long in central California.
11 So we do involve the public in our decisions.

12 And today I am going to talk about why
13 we do that, what we do that, when we do that, and how

14 we do that. As a couple of other people have said,
15 first of all, we're federal agency and the law
16 requires us to involve the public. So that's a
17 mandated reason and that's sort of the bottom line,
18 but the real reason we involve the public is so that
19 we get better decisions. We want to be able to
20 implement our decisions.

21 And the what, when, and how, I am
22 going to talk a little bit about our approach and
23 give you some samples and a little bit about how
24 we're doing, since one of the things you asked us to
25 tell you is what's working and what's not. The

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118

1 mandates, NEPA, Administrative Procedure Act is what
2 governs our rate processes and improves the decision.

3 It's fair and equitable -- people who
4 are going to be impacted by a decision perhaps should
5 have a say in that decision. That might be a novel
6 view to some people. It's responsible as a corporate
7 citizen. If you're going to be impacting people on
8 their land, it might be good to have some dialogue
9 with them. It also, as was said earlier, it helps us
10 get public support for the decisions that we're going
11 to implement.

12 Also, congressional support. We get
13 appropriations, and if Congress doesn't support our
14 decisions and our customers don't support our
15 decisions, we won't have money to do that.

16 I need to back up, I realize that.

17 Do you always involve the public? No,
18 absolutely not. Just some simple reasons when not to
19 involve the public. If the decision is already made
20 you just need to announce it, and sometimes that's
21 the right approach. If the decision is solely
22 internal, please don't involve the public. There's
23 no need to do that. If the public doesn't have an
24 opportunity to impact the decision, then don't
25 involve them.

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119

1 One of my favorite stories comes from
2 IAP2. The state director of the Wisconsin Department
3 of Natural Resources decided that he was going to go
4 to the public with changing the hours for when you
5 could hunt. Now, this is a big deal in Wisconsin,
6 deer hunting season.

7 So he decided he was going to ask
8 them, should we open up the hours earlier and later?
9 He got tons of input from people. They had meetings

10 in every single county. They had these hunter groups
11 that advised them, a very formalized stakeholder
12 process. And the consensus across the state was that
13 they should allow hunting 30 minutes earlier and 30
14 minutes later, and they expected him to implement
15 that decision.

16 Well, he came back and he said, you
17 know, "Even though I told you I was going to
18 implement what you said, I have some serious safety
19 concerns because of the light conditions at sunrise
20 and sunset." He did not implement their decision
21 after he promised them that he would. Needless to
22 say, it took a long time for that agency to recover
23 from that. And, in fact, he left his job and they
24 got a new director. The governor decided that was a
25 better decision. So some of those horror stories can

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120

1 be helpful in remembering.

2 It's really critical to know to which
3 degree your customers and other publics want to be
4 involved in the decisions that affect them and
5 whether they can really have an impact.

6 At Western our customers, who are our
7 primary public for us, because we're a wholesaler,

8 they will not do surveys. There's been this customer
9 service satisfaction, customer satisfaction from the
10 general manager to our customers, they will not do
11 that. That doesn't mean we don't go out and talk to
12 them and find out how we're doing, but we cannot
13 survey them period.

14 However, in one of our regions they
15 are proposing that we set up a customer advisory
16 committee that oversees control area operations. We
17 were talking about forming a control area in
18 California to control how we deliver power. So we
19 operate four other control areas. They are saying,
20 not only do we want you to do it, but we want to
21 oversee your decisions. So that's a little scary for
22 us, but we will see where we get with that.

23 Basically we operate, we inform
24 people, we consult with people, we do involve them.
25 We integrate public participation into our project

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121

1 plan and into the decision process. We never do
2 public participation just to do it. We never do it
3 as an aside. It's always integrated into the
4 decision process.

5 We work directly with our publics

6 throughout the process to ensure that their issues
7 and concerns are consistently understood. If we
8 don't know what they're concerned about, we can't --
9 we can't address that.

10 I want to talk just very briefly about
11 a tool we use, this is an IAP2 product, and it talks
12 about the level of involvement. Sometimes it's just
13 right to inform the public. Sometimes it's right to
14 empower them, and it depends on the project and the
15 process.

16 The really powerful part of this tool,
17 and we use this internally and we use this
18 externally, is the promise to the public. That's the
19 middle bar on the slide. It's what the agency is
20 committing to do to its public, and that's one of the
21 ways we evaluate whether we're meeting our goals or
22 not. More participation is not necessarily better.
23 Moving to the right of the spectrum is not always the
24 right choice.

25 There's a couple of principles that we

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122
1 follow in doing public participation. It has to be
2 tailored. There is no cookie-cutter approach. The
3 activities have to be address the specific project

4 and program needs, and they must respond to the
5 unique characteristics of those communities and those
6 publics.

7 We use a six-step process to design
8 how we do public participation. First of all, we
9 identify the decision process. If we're doing a land
10 management issue that's governed by NEPA, that's a
11 pretty specific decision process, and we follow those
12 steps. If it's a rate process, it's a different
13 process.

14 We identify the participation
15 objectives that are tied to the decision process. We
16 identify what the agency needs to know and what the
17 public needs to know at each decision step. We
18 identify who those publics are, the special
19 circumstances that might identify the techniques that
20 we select, and then we identify the techniques and
21 the sequence to accomplish that information exchange.

22 How does this work?

23 We say, what do we want to accomplish
24 and what will success look like? What do we need to
25 know? What does the public need to know? Who should

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1 be involved? When can they be involved and how

2 should they be involved? Very tailored to each
3 specific process.

4 I want to give you another planning
5 approach because there are many approaches, not just
6 one works. What we teach in IAP2 is a very generic
7 process that can be tailored. The first thing is
8 gain internal commitment. If your organization
9 doesn't want to involve the public, it's not going to
10 work.

11 Learn from the public. I believe Vern
12 talked about learning from the public, find out what
13 their issues are, what their concerns are. Select
14 the level of public participation on the spectrum.
15 Define your process and objectives, and then design
16 your plan.

17 Many of you have been in organizations
18 where somebody comes to you and says, I want A, B or
19 C. And my major job is communications manager. So
20 they come to me, I want a brochure, I want a
21 newsletter, I want something. And I say, okay.
22 Well, what do you want to accomplish? What's your
23 goal? And when they tell me those kind of things,
24 then I can help them figure out the tool that's going
25 to help them meet their goal.

1 A point about identifying your
2 publics. People move in -- this is a tool called The
3 Orbits of Public Participation developed by a fellow
4 named Larry Aggens. The decision is in the middle or
5 the issue or the problem, and people can move in and
6 out of these orbits throughout a process.

7 You have a group or a decider. Well,
8 if the head of your agency is the decider and that
9 person leaves, you might get a new decider in the
10 middle of your process, that can happen.

11 Your public can be observers,
12 reviewers, advisers, planners. They can move in and
13 out of those groups. And then there are the
14 unsurprised apathetics. These are the people who get
15 your newsletters or log onto your web site but they
16 are not really engaged, but yet, they know what's
17 going on. There's a whole other group of people who
18 have no clue. They are not in the orbits.

19 You have to address the information
20 needs of all of these people. So you have to think
21 about making your information available on your web
22 site, in your newsletters, in your communication
23 tools. And people can join at any time. So you have
24 to have ways to bring them up to speed to where you
25 are in that decision process.

1 Classic ways to identify stakeholders.

2 People can self select. Staff can identify them.

3 And we ask, who else should know about this? Who

4 else cares? Who else should we be talking to to find

5 out what's important to them? That's really

6 important to do up front. We maintain databases and

7 ongoing things. Most agencies are pretty well in

8 tune with who their key stakeholders are.

9 Another tool we use is just a way --

10 engineers like to have tools. And I work in an

11 engineering organization. So if I give them a tool,

12 it's helpful rather than just giving them a series of

13 questions.

14 When I started them at Western, I gave

15 them a series of questions, that didn't help well,

16 but when I put this in a tool they love it because

17 they can fill it out. So know your internal public

18 and what works for them as well.

19 You can use this same chart for

20 impacts and you can use it for controversies. And

21 these are some things that we use, but you can look

22 at other topics. Who's going to be impacted and what

23 are the impacts? Who cares? What are the

24 controversies?

25 A couple of real last things. When

1 you look at the scope and you go talk to people, they
2 care about a lot of things, but not everything can be
3 addressed in this process. So be very, very clear
4 internally what can be addressed there and help --
5 you know, have in your toolbox resources for them,
6 places they can go, other processes. If you don't do
7 that, they are going to be frustrated.

8 Selecting activities and techniques.
9 We use a series of questions, and I won't run through
10 them, I have provided them for you, to help evaluate
11 what tools will work. There's actually two slides of
12 these, but this is what I have my teams look at. So
13 you need to make sure that the technique and tool is
14 appropriate for the decision process and appropriate
15 for your publics.

16 One final thing is evaluation. We
17 evaluate at each step of the decision process. We
18 evaluate after each activity. Did we get enough
19 representative input? We don't have to hear from
20 every single person, but we need to make sure that we
21 heard all the views and we got all of the issues
22 surfaced.

23 Our goal is to implement our decision.

24 So whatever that decision is, do we have a decision
25 that we can implement and did we help or hinder the

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127

1 process?

2 So how are we doing?

3 We have never been sued over a NEPA
4 adequacy, so we think that's pretty good. We're
5 building our projects. We rarely need to invoke
6 eminent domain. Our condemnation rate is 4 percent.
7 Across federal agencies, the average is 10 percent.

8 On the Path 15 project that we're
9 doing right now, we have three landowners that we
10 have not been able to agree on price. One of those
11 pieces of land, it's a large ranch and there are
12 multiple family members that have ownership rights,
13 and we have reached agreement with three parties but
14 the other two parties on the land we haven't been
15 able to reach. So that's going to condemnation.

16 We have another piece of land where
17 the landowner wants to subdivide. He doesn't have
18 county approval. He thinks he can make a lot of
19 money, there's nothing out there, and so we have not
20 been able to agree on fair compensation. So that's
21 going to go to condemnation.

22 On policy decisions, we did have a
23 suit where the judge ruled in our favor. It was on
24 NEPA compliance on a marketing plan. We decided to
25 do NEPA on that and on subsequent marketing plans.

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128

1 We had a policy project that
2 experienced a significant delay because we didn't
3 involve an important stakeholder group. That was a
4 big lesson for us.

5 On rate processes, we have never
6 experienced a rate intervention questioning our
7 public processes, and we have never had a rate action
8 remanded by FERC. And we are at rate order 106 right
9 now.

10 So what works and what doesn't?
11 Integrating public involvement into our decision
12 processes, customizing activities, being genuine when
13 we're seeking input and information, regular,
14 frequent multichannel communications, and providing
15 clear expectations. And you can see what doesn't
16 work.

17 Thank you.

18 CHAIRMAN BRUCE SHUPP: Thank you,
19 LaVerne.

20 Dave, what I think we're going to do
21 is we will finish up with the next presentation, and
22 then we will break and have you summarize the package
23 prior to the panel discussion after lunch. How does
24 that sound? That will kick off the panel discussion
25 and keep us pretty much on schedule.

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129

1 FACILITATOR DAVE WAHUS: That's fine,
2 Bruce.

3 CHAIRMAN BRUCE SHUPP: The next
4 speaker is Barry Lovett. Barry is an electrical
5 engineer who is the relicensing project manager for
6 Alabama Power. And I can assure you, I have known
7 Barry for quite awhile, and Barry is involved in one
8 of the most intense and long-lasting relicensing
9 efforts that's gone on in our part of the country.
10 So, Barry, tell us about it.

11 MR. BARRY LOVETT: Thanks, Bruce.
12 What I wanted to do is orient you just a bit with
13 F-E-R-C hydro electrical relicensing. If you're not
14 familiar with that, a little bit about our projects
15 that are on -- undergoing that process right now, and
16 then I'll get into some of the specifics of what we
17 have learned in this one process, maybe what's

18 successful and what's not successful as far as public
19 involvement in a process.

20 Our process here is we are responding
21 to -- we will be filing an application with the
22 F-E-R-C to operate these hydroelectric facilities.
23 They issued us a license. As you see here, a license
24 term on relicensing can be from 30 to 50 years. A
25 process can typically take five to ten years.

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130

1 We started internal planning for our
2 current relicensing in the '97, '98 period. Public
3 involvement began in the fall -- well, the spring of
4 the year 2000. We did have a choice of what type of
5 process to use here, one that was called traditional
6 and one that's called an alternative process. We
7 chose the latter of the two. It is a more public and
8 more involved process. And, of course, with that
9 brings its own challenges.

10 What we're looking at here, the scope
11 of our work, we're looking at nine of our 14
12 hydroelectric developments, which is about 3/4th's of
13 Alabama Power Company's hydro capacity. The entire
14 Coosa River Basin and some 100,000 acres of
15 reservoirs. This is one of the largest F-E-R-C

16 relicensing that's taking place in the country over
17 the next ten years and the largest ever done by the
18 Southern Company.

19 To give you a sense of the scope here,
20 on the western side of the state on the Warrior
21 River, our Warrior River project consists of the
22 Lewis Smith Dam and the Bankhead Dam. Those two
23 developments are part of the process.

24 In the more central part of the state,
25 the Coosa River there starting with Weiss, Henry Dam,

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131

1 all of those developments are part of this process.
2 The eastern most river there, the Tallapoosa River,
3 those are not up for relicensing at that time. So
4 there you see our nine developments that we are
5 addressing right now.

6 In this process everything is open for
7 discussion, your operations of your projects, land
8 management, environmental issues, recreation issues,
9 all of that is on the table for discussion. It's a
10 very, very broad undertaking here.

11 Briefly, the process looks something
12 like this. We have started -- in the spring of 2000
13 we identified some 35, we will call them, priority

14 stakeholder groups. We had one-on-one meetings with
15 those 35 groups explaining to them the upcoming
16 process and asking them to come forward with issues
17 that they had and concerns related to these projects.

18 In the fall of that year we had public
19 workshops and Cullman and Gadsden and Montgomery, day
20 and evening sessions, facilitated workshops where we
21 simply asked the public to come and tell us what
22 their concerns and issues were. They weren't
23 questioned. They weren't debated. They were just
24 put on the board for us to address in this process.

25 In the spring of 2001 we started with

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132

1 plenary sessions. We developed our process and
2 procedures, they were agreed to by all of the
3 stakeholders present, and then moved on into
4 establishing working groups in the summer of 2001,
5 and we're talking about some 20 to 25 different
6 working groups.

7 Those working groups are organized.
8 We have some six to eight, ten folks at each one of
9 these groups, and they actually work on an issue --
10 on issues to try to come up with a solution statement
11 for those issues. So they are -- the public and the

12 stakeholders are very integrally involved in the
13 development of solutions here.

14 Everything -- pretty much everything
15 is distributed. Draft work products are put out on
16 the web to these members of the working groups for
17 their comments, their ideas, their suggested changes.
18 They are then posted -- when finalized and review is
19 complete, they are posted on our relicensing web
20 site.

21 And I guess in -- I'm sorry here. I
22 have -- let's see. Okay.

23 We are right now about 3/4th's of the
24 way in the process. This is addressing the issues
25 where this fall we will have a draft application and

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133

1 draft NEPA document out for comment.

2 Okay. One here. I got ahead of
3 myself there.

4 This is some of what I was covering
5 here. We identified 100 stakeholder groups early on
6 that indicated they may want to participate in this
7 process and in these public workshops I mentioned.
8 In these one-on-one meetings they identified over 300
9 issues that they wanted to be addressed in this

10 process. And so, as I said, we moved on forward in
11 establishing working groups to do that.

12 I think what I would want to say here
13 in summarizing this is they have had -- the public
14 has ongoing daily the opportunity to get involved in
15 comments, even as far as calling me and the other
16 project manager on this relicensing. If they have an
17 issue -- a new issue that they feel needs to be
18 addressed, then it's open for discussion and we will
19 do our best to do that.

20 Okay. Some of the -- and this is --
21 what I have done here, I have got a couple of slides,
22 one that addresses externally stakeholder and working
23 groups and one more directed to the agency or entity
24 that's undergoing the process.

25 We have found -- we have some ongoing

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134
1 stewardship programs, partnering programs, and having
2 those already on the ground really helped facilitate
3 our dialogue as our process started. Small working
4 groups are where much of our work and our progress
5 gets done.

6 As I mentioned, six to ten folks are
7 involved in that. Representatives from Alabama Power

8 Company and chaired by Alabama Power Company, the
9 interested stakeholders, homeowners, and agencies are
10 sitting in on those.

11 Simplicity works. In the process as
12 far as meetings go, meeting agendas, and the
13 documents, simplicity helps.

14 We have brought in facilitation and
15 consultation expertise as needed. We find that we
16 use the facilitation at times when we feel like it's
17 needed.

18 Conference calls. What we have done,
19 we have a number of toll-free numbers, and of our
20 some 120 meetings that we have had in our relicensing
21 process, maybe 70 percent of those meetings have been
22 via these conference calls.

23 Our stakeholders indicated that as we
24 did this that they didn't like the idea of having to
25 pay long distance call fees for an hour conference

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135
1 call. So we now have toll-free lines where we can do
2 that, and it's very inexpensive. So this has been
3 one of the big items that we have learned that has
4 helped in our process.

5 E-mail. Probably 90 percent -- 90 to

6 95 percent of our correspondence takes place via
7 e-mail; and that is, meeting announcements, draft
8 meeting notes, documents, maps, et cetera, that's
9 where the dialogue takes place is via e-mail.

10 Flexibility, we have tried to stay
11 very attuned when folks give us feedback of a meeting
12 time. For example, if they are concerned about
13 rush-hour traffic, we try to address that meeting
14 location. We do move our meetings to be most
15 convenient to them, agendas, and also things as
16 simple as parking. We have had complaints when
17 people have had difficulty parking in downtown
18 Birmingham. So we try to deal with that.

19 As far as our process goes, we have
20 seen that if we, the company, floats an initial draft
21 of a document, be it a solution statement, then that
22 allows the stakeholders to comment, make suggestions,
23 alternatives, and allows the process to move forward
24 a little bit more quickly than trying to do an
25 initial document by committee.

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1 Again, we understand also that we
2 cannot expect to agree on everything. So in some
3 cases when understanding and productive dialogue

4 ceases, then it's time to move on to other issues.
5 Like I said, we had some 300 issues that were
6 identified early on, and we accept the fact that
7 sometimes we are not going to agree.

8 All stakeholders are given the chance
9 and the opportunities to introduce their issues and
10 to clarify their issues and have discussion.
11 That's -- we are obligated to do that with our
12 F-E-R-C license.

13 We have had -- okay. Let's see.
14 There have been some stakeholders that have not
15 participated directly, and we have had to go out and
16 reach out to them. Counties and municipalities for
17 some reason have not come and participated in this
18 process. So we have had one-on-one meetings with
19 them. Some 15 different meetings we have had in
20 recent months with them.

21 CHAIRMAN BRUCE SHUPP: Larry, excuse
22 me. She needs to change paper.

23 MR. BARRY LOVETT: Another item that I
24 think is pretty essential for a long running process
25 or project is that the participants, the stakeholders

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137
1 be required to do their homework to keep up. And we

2 have seen where some have come new to the process,
3 have asked questions about materials that we have
4 already covered. So we ask them to go back to the
5 web site, to contact other participants, and come up
6 to speed and not hold the process hostage as they get
7 up to speed on what's taking place.

8 For the agency or the company pushing
9 the process, regular ongoing planning is necessary.
10 Corporate unanimity, by that I mean departments
11 within the company need to be -- need to meet and
12 be -- and understand what's taking place in agreement
13 of what the strategy is. Support of the projects.
14 Dedicated resources, both people and budget, are
15 necessary to make things happen.

16 And I want to mention again the
17 partnering thing with external stakeholders. If you
18 have those ongoing programs, it really facilitates
19 the conversation once a more formal process gets
20 going.

21 What doesn't work? And I think we
22 have talked a lot about the large plenary sessions.
23 I admit there are places for large meetings to
24 present and make presentations and share information,
25 but we have found that that's not the place to -- as

1 a committee to put together a work product.

2 Latecomers, I mentioned that.

3 Grandstanders. Alternative paths for the public is
4 one that is really problematic. For example, if the
5 stakeholders are given a way where they can call
6 upper management, let's say, at TVA and complain that
7 something is not taking place, they can jump out of
8 the process and go elsewhere. If they have the
9 ability to go to the media and to the newspapers and
10 appeal to them, then you have got a problem with your
11 process.

12 One item here that I didn't write down
13 is we have tried to do -- to have quality time with
14 our stakeholders, like picnics and outings like that,
15 and we have found that they really want to get to
16 business and not real interested in the bonding time
17 with us.

18 The decision-making process I have
19 outlined here, and really to summarize it, it
20 behooves us to listen to the public to what they have
21 to say. They are given numerous, numerous
22 opportunities to have input, but when all is said and
23 done, in this case the licensee is the one that makes
24 the decision on what they want in the application.

25 If all the dialogue takes place and

1 there's still stakeholders that disagree with the
2 solution statement, then they provide -- they send to
3 us their opposition or alternative and that goes in
4 with our application to the F-E-R-C and they make the
5 final call on how an issue is going to be resolved.

6 In our case the measure of success --
7 of course, I am not going to go through all of this,
8 but cost is of major import. Percentage of issues
9 resolved is maybe one to look at the strongest. And
10 as we started the process, we told folks that if we
11 could resolve 80 percent of the issues that were put
12 before us, then we thought that would be a very
13 successful process.

14 Public induced changes that we're
15 looking at now just to pick a few, we're looking at
16 enhancements, improvements at some 70 recreation
17 sites on those nine reservoirs. We are now making a
18 public safety annual contribution to Alabama Marine
19 Police Division to enhance public safety on our
20 reservoirs. We are evaluating, modeling possible
21 lake level adjustments as far as winter lake level at
22 two of our reservoirs. We're headed toward
23 downstream flow augmentation at two of our
24 reservoirs, at Weiss and Smith Reservoir on the

25 Warrior.

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140

1 Public education initiatives are very
2 important. As we categorized our issues, we found
3 that of the 300 issues I mentioned, some 150 of
4 those, or half of them, were really more information
5 oriented. Who do I call if this happens? Where do I
6 find information on so and so? So we are putting
7 together some type of brochures and such to get that
8 information out to the public.

9 Recommendations. One of our lead
10 consultants on recreation came -- right as he came on
11 board he said that we have to know our projects
12 better than anybody else to be able to respond to the
13 issues, and we have tried to let that be the case.

14 We have, like I said, addressed
15 stakeholder resource limitations. I think that
16 builds a lot of trust with stakeholders. When you
17 try to recognize the fact that they are having
18 trouble parking or if they don't like driving in
19 rush-hour traffic because they are not from the city
20 or you move a meeting to a place that's more
21 convenient to them, I think that builds trust and
22 enhances the process.

23 We do lead the process. I think when
24 we do have disagreement the Alabama Power Company --
25 or if we're going to -- if we are going to formally

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141

1 disagree with a stakeholder we owe them that
2 response, but we also owe them the explanation of why
3 we're not going to agree with their proposal.

4 We do -- we have to work very hard at
5 preparation for our meetings. There's a lot that
6 goes on behind the scenes, and we have found out what
7 happens, particularly in a large plenary session, if
8 you don't prepare. Particularly if your facilitators
9 are not ready for what can transpire, it can be real
10 ugly.

11 Feed the people, somebody mentioned
12 that earlier, we agree. A number of our folks that
13 come, I think their primary purpose for coming to the
14 meeting is to get a good meal, and that seems to
15 enhance the dialogue.

16 When we began this public process in
17 the fall of the year 2000, we said that we were going
18 to try to get through this process and address all of
19 the issues reasonably, but we were also hoping we
20 could have some fun and keep a sense of humor, I

21 think that's very important. All too often we get a
22 bit too intense with our issues and concerns.

23 Thank you.

24 CHAIRMAN BRUCE SHUPP: Thank you,
25 Barry. Appreciate it. All right. It's lunchtime.

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1 Lunch is in room 407 as you see in your agenda. We 142
2 will come back here promptly at 1:00.

3 (Lunch recess.)

4 CHAIRMAN BRUCE SHUPP: Let's get
5 started. The rest of them will catch up with us, I'm
6 sure.

7 Dave, will you provide us with a
8 summary of this morning's session, please?

9 And I wanted to properly introduce
10 Dave just to provide credibility of his expertise in
11 public participation. You know, he left the Corps of
12 Engineers in June of 2000, and he was with them for
13 34 years, where he was chief of recreation programs
14 dealing with a lot of public participation issues.
15 And he's now -- since 2000 he's become a private
16 entrepreneur as a consultant and facilitator, and he
17 certainly in his former life, I believe he had a lot
18 of public participation experience.

19 So, Dave, you are credible on this
20 issue.

21 FACILITATOR DAVE WAHUS: Well, I
22 appreciate knowing that I'm credible. I'll maybe add
23 that to my resume that Bruce says I am credible.

24 CHAIRMAN BRUCE SHUPP: That's a good
25 thing to do. I will sign that.

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143

1 FACILITATOR DAVE WAHUS: In preparing
2 to make a few comments I went on the Internet and I
3 typed in public involvement and I conducted a search,
4 and I got 1.8 million hits when I looked for public
5 involvement. What that told me is that an awful lot
6 of people are out there writing about it, possibly
7 doing public involvement, but unfortunately they are
8 not all doing it well. I think it's a foregone
9 conclusion.

10 Public involvement is the process of
11 involving people or the public in the planning
12 process. It's a critical element, of course, in
13 the -- in your planning and management processes
14 through meaningful consideration and input from
15 interested citizens. Arriving at a goal becomes a
16 shared mission with the technical planning staff and

17 the policy makers. Meaningfully involving the public
18 in planning and project development, however, poses a
19 major challenge.

20 There are lots of techniques out there
21 for conducting public involvement as you have seen
22 this morning. They all work well in different
23 situations. I had my first public involvement
24 experience in 1979, and it wasn't a pretty sight.

25 I was working in the Savannah district

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144

1 and we were doing a master plan update for what is
2 now called Thurmond Lake, Strom Thurmond Lake, and
3 it's a lake that sits on the border between Georgia
4 and South Carolina. We had our first public meeting.
5 It was a public hearing or a town hall type.

6 We walked in. We had about four or
7 five of us sitting on the stage. The district
8 engineer made his opening presentation. As we looked
9 out there, there were 600 people sitting out there
10 looking at us. And we had about ten people speak
11 that night, and it lasted about three and a half
12 hours.

13 We had the grandstanders. We had
14 those who enjoyed theater, and they certainly

15 performed well. And we -- I realized very quickly
16 that I had been sucked into a process that people had
17 been doing for a number of -- some time, but it was
18 not working well.

19 As we moved to the early '80s and we
20 started -- we were building Richard B. Russell Dam
21 and Lake project, we started working on a wildlife
22 mitigation program or plan and we started moving --
23 moved to smaller discussion groups. We used the
24 nominal group technique that was explained this
25 morning. We got a lot more meaningful information

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145
1 out of that type. It's not always the way to go, but
2 in this particular situation it was.

3 I have also worked on a nationwide
4 study in the early 1900s -- 1900s, 1990. Boy, I sure
5 misspoke that time. My credibility is going down the
6 tubes in a hurry. A nationwide study in 1990 on how
7 to more efficiently provide public recreation
8 opportunities for the Corps of engineers.

9 We had a series of six public meetings
10 around the country, and we invited and involved an
11 awful lot of different stakeholders. We used the
12 nominal group technique. We hired some -- a group to

13 come in and help us to hold these meetings. And we
14 used what I think is very important if you're going
15 to use facilitators, you need a neutral facilitator.
16 You can't have someone who has a dog in the hunt to
17 stand up and do the facilitating because too often
18 the people that are in the group are going to start
19 having a dialogue back and forth with the
20 facilitator, and that's not the purpose of the
21 facilitator. So if you're going to have facilitated
22 meetings, you have -- I would recommend that you have
23 neutral facilitators.

24 I also had an opportunity -- another
25 opportunity to be involved in public involvement, and

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146

1 there were others along the way, but most notably was
2 I served on the staff of the President's Commission
3 on National Recreation Lakes. And Kate Jackson is
4 one of the commissioners.

5 We were -- we used a public hearing
6 format similar to what we're using here on the
7 Council and it worked very well, but it -- the
8 circumstances and the situation proved that it
9 dictated that type of methodology.

10 We need to engage the public whenever

11 they are going to be affected by the outcome, need to
12 include them early in the process, as you heard this
13 morning. By not doing so the public will tend to
14 think that you have something to hide, and the last
15 thing you want to do is to -- if you create that
16 situation, it's very, very difficult to change their
17 ideas or to get out of it.

18 Some approaches are good and some
19 aren't. As you, again, heard this morning from our
20 speakers, there is -- there is no cookie-cutter
21 approach. You have to look at different techniques,
22 different methodologies depending on the different
23 situations.

24 However, as was stated at least twice
25 this morning, before you sit down and say, one, we

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147

1 have to have public involvement, and then, two, you
2 don't want to say, okay, this is the methodology or
3 the technique you're going to use.

4 You have to stop and ask yourself what
5 you want to accomplish, what your objective, what are
6 your goals. Once you have asked those types of
7 questions, then you can start to look at the various
8 techniques and which ones or various techniques or

9 multiple techniques will get you to the right answer.

10 To do that you can rely on your
11 experience. I have had good experiences with public
12 involvement and obviously bad experiences, but you
13 can also rely on the experience of others. There are
14 a lot of folks out there who you can rely on for
15 help, other federal agencies, other folks within your
16 organization, and, of course, the public involvement
17 professionals.

18 In my experience I have learned that
19 public hearings -- town hall meetings are the least
20 informative. Sometimes they are necessary. Too many
21 times people want to express complaints that have
22 little to do with the subject at hand, and often
23 speakers monopolize the time and perform for their
24 friends. And when those situations arrive, anyone
25 with a minority opinion certainly is not going to

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148

1 want to get up and make any comment.

2 So they -- public meetings or the town
3 hall meetings certainly are one option, but I tend to
4 look to other techniques first to see if they'll help
5 me accomplish the goal that we have set.

6 Working in smaller groups is helpful,

7 particularly if you're trying to identify problems
8 and certainly looking for solutions to specific
9 problems, and then the small groups can certainly
10 join together at the end of the day or the end of the
11 session to share their solutions and insights.

12 We heard that public involvement is
13 essential, that agencies must remain responsive to
14 their constituents, and it's much easier and less
15 stressful in the long-run to involve the public early
16 in the process rather than spend the rest of your
17 career explaining why you didn't.

18 Forty years ago in natural resources
19 management the attitude of the natural resource
20 practitioner was that, members of the public, we
21 really don't want to listen to you. You really don't
22 know what you're talking about. I am the
23 practitioner and I know what's good for you, and so
24 we're going to do it.

25 Well, fortunately that has changed

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149

1 over the last 40 years, and the public is much more
2 educated and more aware of what's going on. And they
3 do have viewpoints that need to be considered. And
4 they do have some very good ideas, things that many

5 of us otherwise might not have thought about. We in
6 the organizations or any natural resources manager
7 organization, we don't have monopolies on good ideas.

8 Finding the right method for each
9 solution is certainly the real challenge. Good open
10 public involvement over time creates improved
11 relationships and builds trust among the
12 participants, and with trust, open, honest dialogue
13 becomes the norm and usually results in an improved
14 product.

15 A couple of notes. While I was
16 listening to the folks, public involvement enriches
17 debates, raises issues early, builds support.
18 Successful public involvement doesn't just happen.
19 It takes time and energy. And it's not free. It
20 takes money to do some of these things. So all of
21 that has to be considered as you balance that.

22 You must plan for it. You have to
23 know what you want to accomplish, and then figure out
24 how to best get there. It's a continuous process and
25 ideally a transparent process.

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150
1 As you do your communication you need
2 to understand, as was mentioned several times, that

3 there are both internal and external communications
4 that you -- because public involvement is just
5 another method of communication, and it's so
6 important, as Greer said this morning, that the
7 communication be two ways. You need to not only
8 share information, but you need to be listening as
9 you're going through the public involvement process.

10 The public has a tendency to speak up
11 only when their ox is being gored. In 1990 the Corps
12 of Engineers were told by the administration and
13 office of management and budget that they were going
14 to have to close 1/4th of the 440 recreation areas
15 that they managed in 43 different states. And, of
16 course, they didn't -- there wasn't a big public
17 involvement effort, but the information got out to
18 the public. And in spite of the fact there was no
19 public involvement, they started writing letters.
20 And in the course of about five weeks, more than 600
21 letters from the public across the country arrived in
22 our office. And Congress, as a result thereof,
23 changed OMBs mind, and all of those recreation areas
24 were not closed.

25 Prior to that we had had -- I

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1 talked -- just mentioned about the nationwide
2 recreation study that I had worked on. We had -- it
3 was just prior to that that we had conducted six
4 public meetings across the nation, and we really had
5 a tough time getting the interested -- the user
6 public to come into those meetings and give us some
7 input because they didn't have anything to lose or
8 their perception was that they didn't have anything
9 lose.

10 So it all depends on their
11 perspective. And many times, at least the recreating
12 public, don't speak up and don't get involved until
13 they see that they have something to lose, and it's
14 much of the same for other public as well.

15 And the last thing I would like to say
16 is that -- well, two things I would like to say.
17 One, if you have not looked at the handouts that
18 LaVerne gave you on the back of the foundation of
19 public participation, on the back it shows the
20 chart -- the spectrum that she was talking about that
21 she had up on the slide, and it's an excellent tool.
22 And it certainly does a good job of explaining the
23 different levels of participation and when you would
24 use them, et cetera.

25 I have not seen it put together quite

1 that way, LaVerne, and I think it was very good.

2 The last thing I want to say is if
3 you're involved in public participation and you're
4 going to be up in front or you're going to be
5 listening in any way, the -- you look at what you're
6 going to print, you look at what you're going to say,
7 and if you are the -- you also need to look at your
8 body language.

9 You can have very positive written
10 materials. You can have very positive verbal
11 messages, but if you sit there, like Greer is, and
12 not only your body but your facial tone, if you look
13 like you're bored, angry, perturbed, frustrated, that
14 you're not listening, that you're not open, you can
15 just absolutely cancel all of the other activities
16 that you're doing. So it's a way of -- method of
17 communication that we need to be aware of.

18 With that I am going to stop rather
19 than repeat a lot of what we've heard before, and I
20 would ask the panelists if they would join me up here
21 on the seats and we will open up -- give them a
22 moment to come up and we will open up for questions.

23 CHAIRMAN BRUCE SHUPP: While we're
24 doing that, I forgot this morning to give the Council
25 members a chance to introduce themselves to the

1 panelist. So you can tell them not only your name,
2 which they can read on your name tag, but also who
3 you're with or who you represent or where your
4 personal biases are coming from.

5 So starting with Dr. Teague, would you
6 introduce yourself?

7 DR. PAUL TEAGUE: I am Paul Teague. I
8 am a retired physician. As I said before, I
9 represent Joe six-pack.

10 MR. W. C. NELSON: I'm W. C. Nelson
11 from Blairsville, Georgia, and I represent Georgia,
12 primarily the northeast corner of Georgia that's part
13 of the TVA Valley.

14 MR. TOM VORHOLT: I'm Tom Vorholt.
15 I'm vice president of sales and customer service with
16 Ingram Barge Company representing the navigation
17 interest as far as the Council is concerned.

18 MR. JIMMY BARNETT: I am Jimmy
19 Barnett, general manager of Sheffield utilities and
20 one of the utility distributors that's on the
21 Council.

22 MS. MICHELE MYERS: I'm Michele Myers.
23 I represent the marinas in Kentucky and Tennessee.

24 MR. LEE BAKER: Lee Baker. I'm

25 general manager of Newport Utilities and one of the

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154

1 TVA distributors.

2 MR. PHIL COMER: I'm Phil Comer, and I
3 represent the Appalachian Electric Co-op and the
4 Isaak Walton League.

5 MR. GREER TIDWELL: I'm Greer Tidwell
6 from Nashville. I drank his six-pack. I have a
7 couple of different hats. One, I'm the director of
8 environmental management for Bridgestone/Firestone,
9 which is a major employer here in Tennessee. I also
10 represent the Tennessee Conservation League, which is
11 a 55-year-old organization of hunting and fishing
12 interests basically.

13 MS. JACKIE SHELTON: I am Jackie
14 Shelton, and I represent the State of Virginia as an
15 interested participating citizen. No personal
16 agenda.

17 MR. KARL DUDLEY: Karl Dudley. I'm
18 general manager of Pickwick Electric Co-op and a
19 distributor of TVA in southwest Tennessee.

20 MR. AUSTIN CARROLL: I'm Austin
21 Carroll, Hopkinsville Electric System, Hopkinsville,
22 Kentucky, also a TVA distributor.

23 CHAIRMAN BRUCE SHUPP: Bruce Shupp,
24 former national conservation director for B.A.S.S.

25 FACILITATOR DAVE WAHUS: We had some

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155

1 very interesting discussions over lunch, and I know
2 some of y'all were in them, but any comments or
3 questions for the panel?

4 Jimmy.

5 MR. JIMMY BARNETT: Just a general
6 question of anyone that wants to respond. As I
7 mentioned earlier if you were in here, I have had a
8 lot of, I guess, bad situations that I have been in
9 as far as being the only one there, nearly the only
10 one there at some TVA things and also some things of
11 my own.

12 And I have tried to get input with
13 surveys. I have tried to get input with some
14 meetings that I have had. I have had very poor
15 success in doing so, mainly because they don't
16 perceive, as I think Dave mentioned over there, that
17 not only did they have anything to lose, they didn't
18 have anything to gain by being there. Their ox
19 wasn't being gored.

20 How do you get that message out? How

21 would you we advise Kate to do it for TVA? How do
22 you get the message out?

23 MS. LAVERNE KYRISS: I guess one of
24 the things I would say, Jimmy, is that it's all about
25 relationships. You're not going to share with me

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156

1 what's important to you unless you know and trust me,
2 and I mean that person to person.

3 So I would encourage TVA and I would
4 encourage any organization to do ongoing community
5 relations, to build those relationships. Then when
6 there's an issue on the table, then you can do
7 effective public participation.

8 MR. VERN HERR: I'd follow up on that
9 one by pointing out that TVA right now has something
10 close to 2,000 names of people that have participated
11 in activities and have -- you have some information
12 of folks that have said, we want to be involved, and
13 of that panel you have a core of avids that I believe
14 can be reached and leveraged using the internet. I
15 think that's probably one of the great unharnessed
16 tools that this group has yet to really take a look
17 at and fully exploit.

18 FACILITATOR DAVE WAHUS: Other

19 comments or questions?

20 MR. BARRY LOVETT: You know, when we
21 started the relicensing process and rolled it out to
22 the public, we had public workshops and we went
23 through what we thought was considerable effort to
24 advertise in local newspapers all of those public
25 workshops, which was the initial offering to the

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157

1 public to come forward and share their concerns and
2 issues.

3 One case in particular I remember, we
4 had some four people that showed up from the public,
5 and, you know, we mistakenly or not assumed that
6 meant we were doing such a good job, there weren't a
7 lot of issues.

8 FACILITATOR DAVE WAHUS: Phil.

9 MR. PHIL COMER: I have two questions.
10 One, LaVerne, you mentioned that you-all sell
11 wholesale only. Who do you sell to?

12 MS. LAVERNE KYRISS: We sell to 688
13 cities, towns, state and federal agencies, Native
14 American tribes, irrigation districts, public utility
15 districts in 15 states.

16 MR. PHIL COMER: In that sense, that

17 would be analogous to TVA selling the 158
18 distributors and municipalities, co-ops, it would be
19 analogous to that?

20 MS. LAVERNE KYRISS: Fair comparison.

21 MR. PHIL COMER: That's what I am
22 curious on. And then, Barry Lovett, one question.
23 You are in the process of satisfying FERC, FERC,
24 anyway, F-E-R-C. In 1986 an amendment was passed to
25 F-E-R-C called the Electric Consumer Protection Act.

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158

1 How much of the Electric Consumer Protection Act of
2 1986 is involved in your relicensing? How much of an
3 impact did that make on the relicensing, or do you go
4 back far enough to know, compared to the way it was
5 before?

6 MR. BARRY LOVETT: Only stories. I
7 think I can answer that, and the way I will do it is
8 that, if I remember what ECPA was about, you were
9 required to give equal consideration to all the other
10 values that a project has.

11 In our case our projects were
12 initially built for generation and for flood control.
13 And, of course, nowadays you have all of the
14 considerations of recreation, environmental

15 interests, and such to go along with your flood
16 control and all. And that's exactly what we have to
17 do here.

18 And I think I made a comment to that
19 in my presentation, that you allow folks to come
20 forward. For example, on our Weiss Reservoir, folks
21 there requested -- this is a flood storage reservoir.
22 They requested their winter pool elevations to be
23 higher. And so, you know, some of what we have to do
24 is to educate them on what the impacts of that would
25 be with the other resources.

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159

1 In this case, all the way down from
2 Weiss, Neely, Henry, down through those seven
3 reservoirs to the Alabama River impacts on flood,
4 fishing, and everything else. So it -- you have to
5 consider all of those resources, along with the
6 initial purpose of those facilities.

7 MR. PHIL COMER: LaVerne, are you-all
8 affected by that 1986 amendment?

9 MS. LAVERNE KYRISS: No, we're not
10 because we're a federal utility.

11 MR. PHIL COMER: You're like TVA,
12 you're in the same boat as TVA?

13 MS. LAVERNE KYRISS: We're not a
14 corporation but yes. TVA is a federal corporation.
15 So we operate a little differently.

16 MR. PHIL COMER: I know. But you're
17 affected by -- you're not regulated by FERC?

18 MS. LAVERNE KYRISS: Our rates -- FERC
19 has the authority to approve and place into final
20 effect our rate, but our rates are developed in a
21 public process but not a rate case like the
22 investor-owned utility.

23 MR. PHIL COMER: Okay. But FERC does
24 have to approve your rates, which is unlike TVA?

25 MS. LAVERNE KYRISS: Correct.

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1 MR. PHIL COMER: Because they don't
2 approve TVA rates.

3 MS. LAVERNE KYRISS: They can send it
4 back to us and tell us to do it again.

5 MR. PHIL COMER: Okay. They can. So
6 there is a difference there in that regard from TVA.
7 FERC doesn't have anything do with TVA rates?

8 DR. KATE JACKSON: Is that a question?

9 MR. PHIL COMER: Yes.

10 DR. KATE JACKSON: It sounded like a

11 statement.

12 MR. PHIL COMER: Well, I was looking
13 straight at you.

14 DR. KATE JACKSON: It didn't have a
15 question mark at the end. The TVA board, as you
16 know, has the mandated responsibility under the TVA
17 Act for rate setting.

18 MR. PHIL COMER: And are not affected
19 by the law that was passed in 1986 by equal
20 consideration.

21 FACILITATOR DAVE WAHUS: Austin -- did
22 you finish your questions?

23 MR. PHIL COMER: Yes.

24 FACILITATOR DAVE WAHUS: Austin and
25 then Bruce.

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161

1 MR. AUSTIN CARROLL: I benefited at
2 lunch by having sat at the table with Vern and
3 LaVerne, and you-all were talking about some more
4 novel techniques.

5 I think Vern mentioned about gaining
6 public input where actually you talked about hunting
7 in Texas where you-all set up in bass proshops or
8 something or another. You might -- and LaVerne

9 mentioned setting up in malls to get public input.

10 You-all might talk about that a little bit.

11 This is another one of these ways I
12 think -- Jimmy, I know what you're talking about.
13 It's hard -- when the public is fat, dumb, and happy,
14 it's hard to get them to talk to you. And when
15 you're trying to make improvements to, you know, make
16 sure you can serve them the best, sometimes it's hard
17 to get those, and I thought those were kind of novel
18 ways to do that. So y'all might talk about that a
19 little bit.

20 MR. VERN HERR: Sure. I will start
21 off on that one. I think probably Bruce could tell
22 us that if you want to go fishing, you have got to
23 fish where the fish are, and maybe public meetings
24 aren't the right forum for getting input from a lot
25 of folks.

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162

1 One of the things that we had talked
2 about at lunch was in the course of some focus group
3 work that we have been doing for the State of Texas
4 asking people about what they thought about the
5 future of hunting, we had decent turnouts to some of
6 the public meetings, but not as much as we would have

7 liked.

8 Our host arranged for us to be at bass
9 proshops in Houston and Dallas where we could
10 actually be there when people were coming in and kind
11 of pick and choose. And in that case it really
12 helped us because we were able to look at the folks
13 coming in.

14 And hunters being predominantly pale
15 males made up about 98 percent of the group that had
16 been coming to the focus groups. We could look at
17 women, children, different ethnic groups and say,
18 hey, come over here, we would like to talk to you
19 because we don't have a perspective from your groups,
20 and that worked out quite nicely.

21 MS. LAVERNE KYRISS: And the point
22 that I made is if you're looking for public input, go
23 to where people go. In your community where do
24 people go? At our table the consensus was the mall.

25 I have a colleague from IAP2 who

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163

1 worked on a federal highways long-term transportation
2 study, and she did all of her public input sessions
3 in community malls because lots of people go there.
4 They were very effective. She had open house kind of

5 display information. They had people who could talk.

6 People would take information away.

7 And they used all of the other means,
8 too. It's not one way. It's multiple ways of
9 reaching people, using what we would call multiple
10 communication channels.

11 MR. GREER TIDWELL: A comment about
12 what LaVerne was saying. I just want to get
13 something out for the record though. With Austin and
14 Bruce, and particularly myself at the meeting, it
15 wasn't that the table went to the mall but a lot of
16 other people go to the mall. So there was a group of
17 us at that particular group, over half of us don't go
18 to the mall.

19 MR. PHIL COMER: They go to Wal-Mart.

20 MS. LAVERNE KYRISS: Then do your
21 public input at Wal-Mart.

22 MS. JACKIE SHELTON: We need to know
23 that.

24 MR. AUSTIN CARROLL: I told them I
25 only went under duress.

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164

1 MR. GREER TIDWELL: Under duress.

2 MR. AUSTIN CARROLL: You mentioned

3 also, I think, when you were setting up at the bass
4 proshops you might give caps away and things like
5 that. Is that a good idea or does that bias people?
6 How do you feel about providing little gimmicks as
7 incentives to give you information, is that going too
8 far?

9 MR. VERN HERR: I don't think that
10 giving me a cup or a TVA hat is going to change my
11 position on lake levels or whatever my hot button
12 issues are. So I would be very skeptical that unless
13 you were giving away something that was of more than
14 a nominal value that that would be having much effect
15 on the input, but it's probably something that you
16 want to think about as you're putting programs
17 together. I would be very skeptical that that would
18 have much of an effect, other than incenting people
19 to come in. It's amazing to see what people will do
20 for a t-shirt.

21 FACILITATOR DAVE WAHUS: Bruce. Does
22 anyone else want to comment?

23 MS. LAVERNE KYRISS: I do want to
24 comment as a representative from a federal agency.
25 We would never use either federal taxpayer dollars

1 nor ratepayer dollars to give away things. That
2 would not be acceptable for us to do that. That
3 would not be an appropriate use of appropriated
4 dollars or an appropriate use, and our customers
5 would -- I would be on the carpet. We just -- we
6 wouldn't do that.

7 FACILITATOR DAVE WAHUS: Bruce.

8 CHAIRMAN BRUCE SHUPP: This is -- I
9 have a question, but I will comment on that last
10 comment. Having been both in government service and
11 in the private industry for the end of my career, I
12 can assure you that you have partners that would love
13 to partner with you to give away things.

14 We have done this with the Sport
15 Fishing Boating Partnership Council, with the Fish &
16 Wildlife Service meetings, with the Forest Service
17 meetings. Industry partners at the meetings would
18 set up the coffee breaks, would provide the lunches,
19 et cetera.

20 So you mentioned it also, Avis, that
21 you -- your partners would love to do it. I mean,
22 ask them, and the industry partners would gladly do
23 that. We have done it many, many times.

24 MS. LAVERNE KYRISS: And that's true.

25 And when we have applicants who are working on

1 projects they will do that, but we need to be really
2 careful so that we're not giving the wrong
3 impression. The federal government needs to be
4 objective and neutral, and we need to make sure that
5 we're not giving an unfair advantage to any
6 particular viewpoint.

7 CHAIRMAN BRUCE SHUPP: That's fine.
8 But if you want to give them coffee and doughnuts,
9 ask your local bass club or maybe your local tackle
10 dealer to supply it for you, that's all I am saying.

11 In Alabama, the Alabama Bass
12 Federation, which is our members -- member group,
13 sponsors 60 -- how many counties in Alabama, 63,
14 Jimmy?

15 MR. JIMMY BARNETT: Yes.

16 CHAIRMAN BRUCE SHUPP: 63 meetings for
17 the Department of Conservation on an annual basis to
18 get input from hunters and fishermen, and they
19 sponsor all of the refreshments.

20 MR. PHIL COMER: Why do you do that,
21 Bruce?

22 CHAIRMAN BRUCE SHUPP: I don't do it.

23 MR. PHIL COMER: Why do they do it?

24 CHAIRMAN BRUCE SHUPP: They do it
25 because the state can't and they want to help them to

1 encourage people to come to the meeting and have a
2 good time.

3 MR. PHIL COMER: They have no other
4 ulterior motive?

5 CHAIRMAN BRUCE SHUPP: Sure, to become
6 good friends with the conservation department.

7 MR. PHIL COMER: I had a feeling it
8 was --

9 CHAIRMAN BRUCE SHUPP: And it works.
10 It works very well.

11 MR. PHIL COMER: That's LaVerne's
12 point, you should avoid that.

13 MR. BARRY LOVETT: In our licensing we
14 do from time to time give our participants coffee
15 mugs, sweatshirts, a notebook satchel, but again,
16 these are folks that typically have been involved
17 month-to-month, year-to-year. And I think from our
18 vantage point it's simply to say, you know, thank you
19 for participating in this. Thanks you for your
20 input. It has nothing to do with any one issue or
21 another. It's just, you know, good neighbor and
22 strictly good intentions, but nothing else behind it
23 other than that.

24 CHAIRMAN BRUCE SHUPP: Some of those
25 people have a couple hundred dollars in that process.

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168

1 So, I mean, you know, that is a legitimate thank you,
2 there's no question.

3 My question to Avis. You mentioned
4 that you're localizing your public participation in
5 your imagined districts or even below that. The
6 Corps is notorious for inconsistent decision
7 processes throughout the country.

8 How are you balancing your public
9 participation activities through this inconsistency?

10 MS. AVIS KENNEDY: Bruce has made an
11 excellent point. The Corps acknowledges that it is
12 very decentralized, and I think it is in the process
13 of becoming more decentralized and that can lead to
14 inconsistencies.

15 I would like to point out that in
16 reference to the shoreline management program the
17 Corps has the regulation that applies to all of its
18 projects, but the regulation specifically provides
19 for plans to be individualized for each lake, and, in
20 fact, sets great precedence by the Corps in
21 respecting local norms in the area where the plan is

22 going to take effect, then those are reviewed.

23 Just to -- for those of you who are
24 not maybe real familiar with the Corps'
25 organizational structure, the Corps' organized on

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169

1 watershed lines. So, for example, the Nashville
2 district includes ten lakes on the Cumberland River
3 and its tributary. That is one district and it's
4 fairly average size in terms of number of lakes,
5 although above average in visitation.

6 Each lake proposes its own shoreline
7 management plan. Those are reviewed at the district
8 level, that is to say in Nashville, but they are
9 approved at the division level, in our case our
10 division offices in Cincinnati, and it's over seven
11 districts that include the Great Lakes and the Ohio
12 River Basin.

13 So the higher level of review and
14 approval and the overall nationwide regulation that
15 applies to all lakes does provide for a similar
16 process to be used at each lake and it sets up some
17 broad goals of the program, but it leaves discretion
18 for individual variation and respect of local norms
19 in each area in order to try to customize each lake's

20 plan to that area.

21 Now, in terms of other land use
22 issues, the Corps is acknowledging its inconsistency
23 right now with respect to other kind of land use
24 issues, and as a matter of fact, is working on a
25 nationwide land use policy that will be hopefully

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170
1 finalized within the next few months that will set
2 down some broad parameters for land use request --
3 evaluating land use requests of its lakes.

4 Does that sort of answer your
5 question?

6 CHAIRMAN BRUCE SHUPP: It is a serious
7 problem for the Corps because what happens when you
8 get a national organization like ours, or any other
9 national organization, the local participants that
10 participate in one district will tell the
11 participants in another district what their
12 experiences were or were not. Expectations are then
13 raised in the next one. And if it doesn't come true,
14 then you instantly have credibility problems in that
15 next district. And that's happened. I mean, it
16 happens.

17 MS. AVIS KENNEDY: It absolutely

18 happens, and I know it happens a lot in the Corps
19 regulatory program on Section 404, Clean Water Act
20 and Wetlands.

21 I would just, you know, personally
22 advise organizations who see that as an issue to try
23 to communicate with the Corps at its headquarters
24 level because presently the Corps is undergoing a
25 reorganization, which I believe is going to further

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171

1 decentralize the agency.

2 CHAIRMAN BRUCE SHUPP: It's applicable
3 to TVA with your watershed districts, of course, and
4 it's critical to not only have the same policies from
5 one to the next but also to train the people to
6 handle the process the same way. That's, I think,
7 real critical.

8 FACILITATOR DAVE WAHUS: Lee.

9 MR. LEE BAKER: Yes. LaVerne, it took
10 me awhile to figure out how to make this a
11 communication question, but I did have another
12 question. You referred to appropriations. What
13 communication tool and technique have you used to
14 maintain that appropriations and for -- how big is it
15 and what do you use it for?

16 MS. LAVERNE KYRISS: We get just under
17 \$200 million -- well, this next year we're going to
18 get just under \$200 million for what's called program
19 direction, a tiny bit for construction, and a modest
20 amount for purchased power. Those are our three
21 program areas.

22 We also have a revolving fund for part
23 of our program. Part of the facilities on the
24 Colorado River operate under a revolving fund. And
25 we get customer funding for some things. So

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172

1 sometimes customers advance funds for specific
2 program areas.

3 We have regular ongoing communications
4 with our customers because if they don't support our
5 bill we won't get funding. And I will tell you that
6 the -- our customer groups in our regions, they have
7 customer associations, and we regularly communicate
8 with them. We provide information to the house
9 committee staff, the Senate committee staff that
10 provides oversight for our program.

11 We're now coming up to the season
12 where the American Public Power Association and the
13 National Rural Electric Consumers Association go to

14 the hill and visit with their elected
15 representatives, and my staff will be getting calls
16 from congressional staffers saying, the North Dakota
17 delegation is coming in and we need to know who you
18 serve, and so we provide them information. We tell
19 them, here's who our customers are, here's who your
20 constituents are, and then they do with that whatever
21 it is they do with that.

22 MR. LEE BAKER: So you're saying those
23 people that you sell wholesale to you rely on -- you
24 communicate to them and depend on them to do the
25 heavy lifting on the hill, is that what I heard you

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173

1 say?

2 MS. LAVERNE KYRISS: We can provide
3 information when Congress asks us. It is illegal for
4 a federal agency to lobby Congress.

5 MR. JIMMY BARNETT: Some of us will be
6 up there next month. Just tell them we're all nice
7 folks.

8 FACILITATOR DAVE WAHUS: At lunch we
9 were talking about public involvement, and I believe
10 LaVerne talked about that you can have public
11 involvement without having any public meetings, and

12 Vern also nodded his head.

13 Can you talk -- can you talk a little
14 bit about -- one of you talk about how you can do
15 public involvement without any public meetings? And
16 you alluded to it earlier, but I would like to
17 address it more directly, if you would.

18 MS. LAVERNE KYRISS: One of the things
19 that I said is that -- see, I think a public meeting
20 is actually the worst venue to build relationships.
21 So we have done a number of region-wide processes
22 where we have had no public meetings, including under
23 the NEPA process. NEPA says you have to do public
24 scoping. It doesn't say you have to have public
25 meetings.

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174

1 So we will talk to people. We will
2 share information. We will get information from
3 them. We will say, here's our decision process,
4 here's how you can be involved, but that doesn't mean
5 we have big formal public meetings where people stand
6 in front of a microphone.

7 We do workshops. We do sessions --
8 informal kinds of sessions. It depends on the
9 specific project. People hate to go to meetings. I

10 hate to go to meetings.

11 My homeowners' association I pay my
12 dues, but I never go to the meetings. The
13 neighborhood association, I pay my dues. I read the
14 newsletter. One of my neighbors is on the board, I
15 talk to her, but I don't go to the meetings, and yet,
16 public participation is something that I do. I teach
17 public participation, but I still don't go to
18 meetings.

19 So where you have to have a meeting,
20 yes, do it because that's what the law requires, but
21 I think if you don't have to have a meeting, find
22 another way to share, that's my personal view.

23 MR. VERN HERR: And I was nodding
24 because I was acknowledging the conversation, not
25 that we have done the process without public

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175

1 meetings, but somewhere in the discussion there
2 was -- I think it was a discussion about your FERC
3 process and that some mind-blowing number of 120
4 meetings was being thrown out. And I was part of the
5 discussion where we said there's definitely a pain
6 threshold of way too many meetings, and we thought
7 that it was important that when we have them it be

8 very tightly focused and they are about the right
9 things. And I couldn't agree more that having lots
10 of unfocused meetings is probably a very poor use of
11 anyone's time.

12 FACILITATOR DAVE WAHUS: Paul, I see
13 that you have a question.

14 MR. BARRY LOVETT: Can I make a
15 comment to that?

16 FACILITATOR DAVE WAHUS: Go ahead.

17 MR. BARRY LOVETT: I think that's
18 where we have somewhat evolved to in our public
19 participation process, that we started out with the
20 mindset, I guess, that it was going to be large
21 meetings month after month after month, and we saw
22 the dynamics of what does take place there and how
23 very unproductive they are.

24 And I think I made a comment, yeah, we
25 have had some roughly 120 to 150 meetings total or

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176

1 more in our process, and we quickly went to small
2 working groups that I mentioned, six to eight people,
3 where 80 percent maybe of the meetings and of the
4 dialogue that takes place is via those toll-free
5 conference calls.

6 You still have your chairperson there.
7 You have your notetaker there. I have had conference
8 calls with 16 and 18 folks participating and being
9 extremely productive. There's a certain dynamic in a
10 conference call, maybe more so than in a plenary
11 meeting, people respect it a little bit more when
12 somebody has the floor, so to speak, and is talking
13 and they respect that and there's a productivity that
14 takes place.

15 Also, feedback -- public participation
16 on documents. Like I said, I believe we use the
17 e-mail. I think 98 percent or so of our participants
18 have e-mail capability, and document review, et
19 cetera, all takes place and, by and large, does not
20 need to have meetings. Now, there are exceptions to
21 that, but that's what we have gravitated to since our
22 initial vision of large meetings month after month.
23 That's where we are now.

24 FACILITATOR DAVE WAHUS: Avis, did you
25 wish to make any comment? Okay. Paul.

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177
1 DR. PAUL TEAGUE: LaVerne, how do you
2 select your scopes? No. 2, once you have selected
3 your scopes, how do you determine that there is

4 equity in the representation of the community?

5 MS. LAVERNE KYRISS: As I said in my
6 presentation, we allow people to self select, No. 1.
7 So if you want to have input -- and we use a variety
8 of methods to tell you that we are starting a
9 process.

10 Before we ever start a process, we
11 visit with our key stakeholders and we have ongoing
12 communications. So I can call up the key
13 environmental groups and talk to their folks because
14 I know who they are and they will take my phone call.
15 We can talk to our customers' representatives. We
16 have ongoing communications with key congressional
17 staff, so we talk to them.

18 We ask people, who else cares about
19 this? Who else is going to be impacted by this? Who
20 else do we need to talk to?

21 We have staff in 52 duty stations and
22 they know what's going on in their local communities,
23 and we ask them as well. So we don't say, you, you,
24 and you are going to be involved. We talk to
25 whoever. We're not so much concerned in making sure

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178
1 that we get six people of this silk and three people

2 of this silk and six of this silk. What we're
3 concerned about is all of the issues, views, and
4 concerns represented.

5 DR. PAUL TEAGUE: Well, your answer is
6 my concern. You mentioned people who are special
7 interest groups, environmentalists, congressional
8 aides. What about local Joe, the fishermen or the
9 swimmer or the skier or just regular average -- my
10 six-pack?

11 MS. LAVERNE KYRISS: Well, let me talk
12 about a specific project we did a couple of years
13 ago. When we started to relook at building this
14 transmission line in California we went out to
15 California, and there was a state process going on
16 because the local utility was going to build this
17 project and they were going through a very formal
18 state public utility commission project.

19 And we said, well, we're not going to
20 do that, very contentious. What we're going to do is
21 have some neighborhood community coffee clutches, and
22 we sat down around a couple of tables and we put the
23 maps out and we invited all the landowners, all the
24 people who cared, the state and federal agencies
25 involved, Corps because of permits, 404 permits, and

1 we said, let's look at the land and let's look at the
2 corridor the utility has laid out and let's see what
3 the impacts are.

4 People could come and go and they
5 could talk about it and they could say, well, here's
6 my property or here's this conservation area that I
7 am worried about or the local community -- we met
8 with the city officials and the county officials, and
9 we let people know that we were there to get the
10 issues surfaced. We can't force people to come to
11 us. We can only be available to them.

12 FACILITATOR DAVE WAHUS: Tom.

13 MR. TOM VORHOLT: A question for
14 LaVerne. The public participation spectrum is
15 interesting and is a great tool on some of the things
16 that I was talking about this morning. I see right
17 where the ROS falls into this spectrum.

18 Typically, in your organization, what
19 criteria is used to decide on what level and at what
20 level of management is that decision made?

21 MS. LAVERNE KYRISS: It depends on the
22 project. We are also very decentralized and a lot of
23 times our regions make independent decisions if it's
24 within their purview. If it's an agency-wide
25 decision, then we would typically take it up in our

1 senior management team, and that's 14 folks, 13 of
2 whom report to the head of the agency. He chairs
3 that group. So agency-wide we would wrestle with
4 that as a group. In a region, if it was a local
5 issue, then they would determine that there.

6 Speaking of the spectrum, that was
7 developed over a two-year international effort by the
8 membership of IAP2.

9 MR. GREER TIDWELL: Did you seek
10 public involvement on that?

11 MS. LAVERNE KYRISS: Pardon?

12 MR. GREER TIDWELL: Did you seek
13 public involvement on the development of that?

14 MS. LAVERNE KYRISS: We sought input
15 from lots of folks. And members of the organizations
16 took it to their clients, took it to their
17 organizations. We also have a set of core values
18 that are in that handout, and we did the same thing.

19 And it took -- I mean, it takes a long
20 time to develop these things, and we have wrestled
21 with that. We share in training and we get feedback.
22 Occasionally people raise things. We do on-line
23 dialogue.

24 The language, labeling things, was a
25 huge issue, and right now we're translating our

1 materials into Spanish. So we're going through those
2 cultural issues of developing things for use in South
3 and Central America. So we try to seek widespread
4 involvement.

5 We have only got the things that we
6 have reached consensus on. That means that everybody
7 can live with it. It may not be my preferred
8 outcome, but I think, Tom, you said that it was an
9 open process and that you could live with the
10 outcome, I am putting words in your mouth.

11 MR. TOM VORHOLT: No, that is correct.
12 And it goes back to some of the things we were
13 talking about this morning that I think the people
14 who have participated in the public review group and
15 on the interagency teams didn't always get their way
16 but they had their say. And there were very few, if
17 any, things that -- maybe somebody would, like you
18 said, that's not what I would prefer, but I can live
19 with it, it's not a deal breaker for me, and then we
20 would move on.

21 FACILITATOR DAVE WAHUS: Other
22 questions or comments?

23 MR. GREER TIDWELL: I have got one. I

24 would probably like to start with Avis on this.

25 Describe, if you can, a little bit about how the

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182

1 importance of the role of public participation has
2 been integrated by your project engineers and your
3 district management type level staff.

4 MS. AVIS KENNEDY: I think the Corps
5 has really learned a lot in the last 20 years or so,
6 and I too participated in some of the meetings like
7 Dave described where you had six or 700 people and
8 they wanted to see someone hanging from the rafters
9 before they left. So we have come a long way since
10 then.

11 Some of it has been frankly
12 reluctantly, that people have been sort of forced
13 into the process by changes in the regulation. For
14 example, the shoreline management regulation dictates
15 that there will be some degree of public involvement.

16 Some portions -- functional portions
17 of the Corps, I think, have been a little more
18 effective than others at integrating it. I frankly
19 think the recreation and natural resources functions
20 have done pretty well because on the recreation side
21 we're largely in the people business to start with.

22 So it's come a little easier to us than it has
23 possibly to functions like hydropower and navigation
24 that are maybe a little less people oriented to start
25 with.

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183

1 In terms of new projects, on the
2 planning side, I think they also have grown a lot in
3 the last 20 years in terms of doing initial scoping
4 to try to get public opinion out on proposed new
5 projects. For example, new flood damage reduction
6 projects or erosion protection projects, it's done
7 largely within the framework of NEPA.

8 So it can tend to be a more formalized
9 process, but I think they learned that if they are
10 not able to get some substantial public support for
11 those projects that they were not going to be able to
12 carry as many new projects to fruition.

13 Did you have some particular types of
14 issues that you were interested in?

15 MR. GREER TIDWELL: I am interested in
16 figuring how you get your non-people oriented people,
17 as you referred to them, to become more people
18 oriented or at least become more public process
19 oriented in their decision-making and proposing

20 projects.

21 MS. AVIS KENNEDY: I hear you, and
22 being from the people side myself, I will say one
23 thing the Corps is doing right now is putting an
24 emphasis on communication plans.

25 And I don't have an example with me

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184

1 today, but it's a process whereby our public affairs
2 side, the people who are really in the business of
3 informing the public about things, sit the functional
4 person down in a room, almost literally lock the door
5 for two hours and say, we're going to go through this
6 and make a plan. We're going to identify your
7 audiences. We're going to identify the messages you
8 want to send. We're going to identify the most
9 appropriate way to send those messages and we're
10 going to identify the timing that these messages will
11 be given out.

12 And I have participated in that
13 process recently on something, and it was actually
14 quite effective. I guess it's a matter of getting
15 the people/people and the engineers in the room with
16 the door locked.

17 MR. GREER TIDWELL: What I just heard

18 from you is very similar to what I heard from
19 Bridgette and what goes on in our organization as
20 well. I am in a glass house.

21 FACILITATOR DAVE WAHUS: Might I add
22 something to that. Early on, 20 years ago, some of
23 the more effective ways of getting those engineers'
24 attention was to get the attention of the leadership.
25 And the leadership of the organization, when you

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185
1 explained to them that by law you're required to do
2 this, they were then helpful in talking to the folks
3 that worked for them and explained it very clearly in
4 terms of employment, what they would or wouldn't do.
5 So there was some reluctance
6 participation, but after some participation they
7 realized that, hey, maybe this is a little bit easier
8 by getting the public involved. So they have been --
9 they have learned as they have come along, and
10 fortunately, they don't have to do that quite so much
11 anymore.

12 MS. AVIS KENNEDY: One thing I would
13 like to mention is we often talk about the number of
14 people one makes angry by different actions in our
15 operations, and we say, you know, if you make a big

16 change in hydropower you make a few people angry, you
17 know, like in SEPA and places like that. If you make
18 a change in navigation you make several people angry,
19 maybe several dozen or even 100 people that you hear
20 from when you make a change in navigation. When you
21 make a change in recreation, you make hundreds, if
22 not thousands, of people angry.

23 So to some degree, I think, the agency
24 has gauged its efforts based on the number of people
25 it hears from on the different kinds of issues. So a

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186

1 lot of people within the Corps feel like if they hear
2 from a dozen people from the navigation industry,
3 that's the public.

4 MR. GREER TIDWELL: Maybe this is for
5 everybody, but tell me about the metrics -- the
6 performance metrics that are used or recommended by
7 your organization to get those non-people/people to
8 truly people believe that the public involvement
9 process is what you five tell us that makes better
10 decisions, but you're also telling us that the best
11 way to get them to do it is to have the hammer from
12 the government and make them do it. Well, it's
13 really --

14 FACILITATOR DAVE WAHUS: That's one
15 way. It's not maybe the best.

16 MR. GREER TIDWELL: If it's really
17 better, tell me how the metrics are going into the
18 performance metrics for people's jobs to get the
19 engineers -- the project engineers to really believe
20 this is really a better way to make decisions. Are
21 there any metrics out there on the books?

22 FACILITATOR DAVE WAHUS: You're
23 talking about performance measures that an individual
24 or group is evaluated by?

25 MR. GREER TIDWELL: Yeah. I'm talking

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187
1 about the things that I have to report to my boss so
2 that I keep my job and get a raise and a bonus next
3 year. What's going on in terms of the metrics -- the
4 performance metrics for the people who are making
5 decisions who are pushing these projects for you.

6 Mr. Barry -- Mr. Lovett, how is your
7 boss judging your performance in this arena of public
8 participation or is he or she?

9 MR. BARRY LOVETT: There's no formal
10 criteria. I just happen to be lucky or blessed
11 enough because my manager is very knowledgeable of

12 relicenses throughout the country. He's been plugged
13 in for years and years into that.

14 We were talking about that -- the
15 challenges at lunch a little bit. In our case, more
16 often than not, the company is founded with other
17 interests, like fossil and nuclear interests, and
18 this is just very problematic for a lot of our
19 generation folks. They see this as excess baggage.
20 They see this as taking away from the bottom line of
21 generation. So it can be a real struggle. And,
22 yeah, you have the hammer of saying, well, we're
23 required to do it.

24 In our case it's -- we have folks who
25 are almost kicking and screaming and criticizing

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188

1 everything -- every compromise that we make. On one
2 of my slides I had that internally you have got to
3 have some degree or like consensus or unanimity that
4 this is what we're doing, not just because we're
5 required to, but because it's right and we should be
6 doing it.

7 You know, in some cases with --
8 particularly with FERC licensees, it could be they
9 are not as lucky as I am to have somebody that has

10 that broad knowledge base, that this is the right
11 thing for us to be doing.

12 I don't know if this answers your
13 question, but I guess the short answer is, you know,
14 there's no bona fide criteria, other than his
15 knowledge.

16 FACILITATOR DAVE WAHUS: Maybe LaVerne
17 and Avis.

18 MS. LAVERNE KYRISS: We make project
19 managers responsible for all aspects of the project.
20 That includes the technical, as well as the public
21 involvement. So the project manager, his or her job
22 is to implement the project. So one measure is, did
23 I get the project implemented? Was it on time? Was
24 it within budget? Those are the three basics of
25 project management.

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189

1 So because we implement public
2 involvement into the decision process, it's pretty
3 seamless. If you don't get your project implemented,
4 that's pretty clear.

5 Another measure that we use is, did we
6 get sued. And if we got sued, do we have a defense?
7 Was our process defensible? We cannot prevent

8 getting sued. There are going to be times when we
9 get sued, but did we conduct a defensible process so
10 that we will be successful in litigation? Those are
11 the two great big, huge low-hanging fruit metrics
12 that we use.

13 A third metric that really isn't -- we
14 don't have -- we don't have metrics per se but do we
15 have support for our decisions, because as you know,
16 if our customers don't support us, we won't be able
17 to implement our decisions, and that's the way the
18 world is.

19 MS. AVIS KENNEDY: I would just echo
20 what LaVerne says. The communication plan is an
21 integral part of a project plan for a new project in
22 the Corps, and the project manager is responsible for
23 working with the public affairs office to write that
24 plan, adjust it as needed, implement the plan.

25 There's not metrics in terms of, oh,

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190

1 you know, I got 80 people to come to my meetings and,
2 you know, you only got 50 people, but it is built
3 into the process, as she said, in terms of, if you
4 fail, many times you will not be able to complete
5 your project because public opinion can be such a

6 strong instrument in seeing whether or not you're
7 able to complete the project or not.

8 And we measure it as we go along by
9 checking to see if we are getting our message across,
10 looking at the media coverage, and is what's being
11 said in the media an accurate portrayal of what we
12 are trying to convey? If it's not, how do we need to
13 clarify that message?

14 MR. GREER TIDWELL: You're still
15 talking about one-way communication. All that
16 language you just used is talking about one-way
17 communication. Let's measure whether our message is
18 getting across.

19 Talk to us about how you measure
20 whether or not the public input is truly being
21 incorporated into the decisional process. How do you
22 measure that? How do you train for that?

23 I haven't heard anything yet about
24 training to get the barriers of the world to truly
25 believe in that. And I'm sure you do, Barry, but I

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191
1 am looking for management tools to make this happen.

2 Am I being clear?

3 MS. LAVERNE KYRISS: Well, one of the

4 things --

5 MR. GREER TIDWELL: Paul doesn't
6 understand me. Is that what you're saying, Paul?

7 DR. PAUL TEAGUE: I don't know what
8 the hell you're talking about.

9 MR. GREER TIDWELL: All right. Well,
10 as a manager I have to make things happen in my
11 organization. All right. That means I have got to
12 figure out how to give people tools to do it and then
13 measure whether they are getting it done. And for me
14 that means getting environmental permits to do new
15 projects. It means reducing pollution from our
16 projects. It means not getting sued.

17 And if we're talking about how do you
18 get the public -- how do you keep people from
19 thinking TVA doesn't listen, that's what we're here
20 talking about, isn't it? If people out there think
21 TVA doesn't listen, then our objective is to figure
22 out how to help you get rid of that perception, is
23 what I am trying to do. So you guys tell us how you
24 measure --

25 MS. LAVERNE KYRISS: Let me give you

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1 an example. In my briefcase --

2 DR. PAUL TEAGUE: Let me say since he
3 pointed mine out, I think LaVerne answered the
4 question, and it's known as bottom line. She
5 answered your question, result. You have got a
6 project manager, if you get results, then you have
7 communicated and you will know how to do it next
8 time.

9 MR. GREER TIDWELL: I want to get word
10 from the professionals.

11 MS. LAVERNE KYRISS: I have got 50 or
12 60 letters in my briefcase that I read on the plane
13 coming down here from folks commenting on a public
14 process that we're doing. Now, it's not my process.
15 One of my regions is doing it, but we're going to be
16 publishing a record of decision. And in our agency,
17 before that gets signed by the administrator, I will
18 review that and I will sign off on that offering my
19 concurrence.

20 One of the things I am looking for in
21 the record of decision is how they summarized the
22 public comments and how they addressed those public
23 comments. And because I have taken the time and made
24 the effort to review every one of those letters, and
25 some of them are multipage letters, I know what the

1 issues are.

2 I have been tracking this issue
3 because it's of significant importance to us. So
4 when I read that Federal Register notice, I will be
5 able to sign off, they did a credible process. I
6 know that we have got a defensible process. I know
7 that we have answered the direct questions.

8 I have sent documents back to regions,
9 back to functional staff saying, this didn't get it.
10 We had a state -- a forest service, I think, who
11 said, we do these tower footings, they need to blend
12 in with the dirt, they should be red, and that
13 comment didn't show up. I sent it back to them and
14 said, you know, you missed this and you need to go
15 through and look at the comments.

16 That may be picky, but folks in the
17 organization have to know that people are paying
18 attention to those kind of things. And I happened to
19 be in that meeting with that state agency and I was
20 doing the recording. So I wrote down what she said,
21 and I put that person's face on there, I remembered
22 that. That's the relationship building.

23 If you take that to heart, then you
24 will do a good process and you will put the metrics
25 in place that are needed. I am not saying measure

1 everything. I am saying only measure what needs to
2 be measured, but put the measures that work in your
3 organization.

4 MR. BARRY LOVETT: Let me take another
5 stab at this. Maybe I understand it a touch better
6 here. And knowing that what we do in our projects
7 are handled and treated a lot differently as far as
8 criteria of success, I guess in retrospect when
9 you're looking back on it, No. 1, on our projects we
10 don't have -- we have a deadline. We have a
11 milestone. We have to file our application period.
12 So I am going to do that one way or another, but as
13 we go back and evaluate -- I mentioned 300 issues
14 that we're trying to respond to. Many of those go
15 away and many of those are trivial. Many of those
16 are informational, and hopefully they fall away
17 rather quickly.

18 We're hoping, and I think I mentioned
19 earlier, a target of some 80 percent of these are
20 resolved to everybody's satisfaction, at least within
21 the can't-live-with-it criteria.

22 We will have -- and these are
23 documented by settlement agreements a lot of times on
24 individual issues. So you actually have folks,

25 quote, signing off on them. And again, we're hoping

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195

1 that 80 percent of those are shown that way, looking
2 for some criteria.

3 Then in the other 20 percent, you
4 would have to look at those and say, what was the
5 opposition? What was the disagreement here? What
6 was reasonable and what was unreasonable?

7 And I would like to think we would --
8 or the vast majority of the public would look at
9 those and say, yes, this opposition is not
10 reasonable. It doesn't apply to this project. It's
11 inappropriate or something to that effect.

12 So, you know, criteria-wise then, I
13 guess the one more is, what did the -- our
14 implementation cost compared to other similar
15 projects around the country? That's attempt No. 2 at
16 a response.

17 FACILITATOR DAVE WAHUS: Do you want
18 to follow up or go to Bruce?

19 MR. GREER TIDWELL: I have got another
20 issue I wanted to talk about.

21 CHAIRMAN BRUCE SHUPP: My
22 interpretation of one of the things you were trying

23 to get at during the interplay between the group was,
24 how do you motivate professionals and plant managers
25 and district managers and people on the ground to

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196

1 engage in this process of legitimate public
2 participation, was that part of your --

3 MR. GREER TIDWELL: Right on.

4 FACILITATOR DAVE WAHUS: I think you
5 have to understand -- and I really believe that your
6 organization and TVA and the Corps and everybody has
7 to set up training programs for this. It's a
8 generational thing.

9 Prior to 1970, and really in the early
10 1970s, public participation was considered, how do
11 you convince the public that you're right in what you
12 want to do as an agency or a company, I mean, that's
13 what -- I saved a notebook for 30 years that had that
14 course in it.

15 MR. GREER TIDWELL: That's an
16 important skill for an organization.

17 CHAIRMAN BRUCE SHUPP: Then, of
18 course, in the 19 -- early 1970s we had all types of
19 environmental laws passed and we have developed a new
20 ethics, so to speak, among the public on what input

21 should be had and they rightfully had to process
22 this, but also in the late '60s -- late '60s, early
23 '70s, was the era of the special interest groups. I
24 mean, all of them were formed then, the Sierra Club,
25 Trout Unlimited, you know, B.A.S.S. You can go

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197

1 through that whole hunting and fishing litany and
2 green group litany, and they were formed right back
3 in that era.

4 So our whole world changed in the
5 early '70s through the '80s, and in many cases the
6 dinosaurs among us haven't changed and it's still the
7 feeling that, damn it, I don't have to do that, I
8 have got to generate power, that's my job.

9 MR. GREER TIDWELL: All I have got to
10 do is be on time and on budget.

11 CHAIRMAN BRUCE SHUPP: I have got to
12 make tires, to hell with it. I don't have to do all
13 of this. Well, the world has changed, and I think
14 it's incumbent upon management of these companies and
15 agencies to come back down through that process, top
16 down and say, we will learn how to do this and we
17 will do it right because we have to, No. 1, it's the
18 law, and No. 2, it's the right thing to do. There's

19 300 million people living in this country and we have
20 got to involve them in this process. And I think if
21 you have that top down pressure to do it right, it
22 will get done. It really will get done.

23 And you train people in the new
24 philosophy, in the new evolution of public
25 participation, and it works. I have seen it work in

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198

1 agencies, and I know it can be done in companies
2 easier than it can in agencies. That's the process.

3 You're laughing, Barry, you don't
4 think it can work?

5 MR. BARRY LOVETT: It's not a laugh.
6 It's a smile, Bruce.

7 CHAIRMAN BRUCE SHUPP: The hardest is
8 to convince our engineers, I understand that.

9 MR. LEE BAKER: I resemble that.

10 FACILITATOR DAVE WAHUS: Any other
11 questions?

12 MR. GREER TIDWELL: Thanks, Bruce. I
13 obviously needed that.

14 FACILITATOR DAVE WAHUS: Any other
15 questions or comments?

16 MR. GREER TIDWELL: I have spent a

17 fair amount of time in Latin America in the last few
18 months, and I shared this with LaVerne earlier. I
19 was not all that surprised the first time I heard a
20 Latin American regulatory official say the word
21 transparency. I just thought it was a fluke that he
22 happened to say it. Since then I have heard two
23 others say it, and that was amazing to me to realize
24 how much of the transparency new generation is
25 working its way through our neighbors to the south.

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199

1 We have got a set of laws right now
2 that were written, as Bruce said, back in the '60s
3 and '70s that shifted toward what everybody -- most
4 everybody thinks means you have to have public
5 meetings. I happen to read the law like you do as
6 well, LaVerne.

7 Anyway, where are there opportunities
8 for changes in the law to allow the law to catch up
9 with the advancements in how we do public
10 participation and public involvement and
11 transparency?

12 You're involved in an organization who
13 I suspect is thinking about this issue, maybe not,
14 but hopefully some of you guys can give us some ideas

15 about where there are changes potentially available
16 to catch up with the technological changes and the
17 societal changes.

18 MS. LAVERNE KYRISS: There are some
19 things. And actually, IAP2 is working with the
20 United Nations. We participated in the U.N. Summit
21 on sustainable development in Johannesburg, South
22 Africa in 2002. We have provided some input to the
23 European program.

24 Mostly we're looking in the
25 environmental arena in sustainable development

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200

1 because a lot of the laws started out in that arena.
2 So there are folks in different nations who are
3 working on this and they are looking at it from a
4 sustainable development program.

5 I believe -- well, I know in the
6 handout that I gave you there are seven core values,
7 and what we're promoting is, look at those seven core
8 values of public participation. We're got saying how
9 to do your programs, how to do your processes. Those
10 core values have been tested in cultures in 22
11 nations around the world, and if those click -- and
12 we only put in there what people agree on.

11 begin the 3:00 to 4:00 public comment period. Before
12 we do I thought I would -- we only have one speaker
13 and I will introduce that speaker in a minute, but
14 before we do I thought I would discuss with you some
15 alternative agenda for the rest of the afternoon, if
16 you so choose.

17 We have it scheduled to adjourn at
18 5:00, and the only thing we have to do, besides the
19 public comment period, is open the question -- the
20 discussion on the questions and complete that
21 tomorrow. Also, tomorrow we have a discussion on the
22 future of the next iteration of the Council.

23 What I am suggesting is we have the
24 one speaker and we open the questions with the
25 discussions of the questions and adjourn at 4:00

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202

1 instead of 5:00.

2 And Dave, do you want to go over the
3 housekeeping for this evening?

4 FACILITATOR DAVE WAHUS: Thank you,
5 Bruce. At 5:50 this afternoon, ten minutes to 6:00,
6 if you would meet in the lobby of the hotel we will
7 go from there to dinner. It's about a two block
8 walk, I am told, a two, two and a half block to walk

9 to go to dinner. And, of course, the same distance
10 back. Hopefully, it's not a longer distance back.

11 Then tomorrow morning -- I am an
12 engineer. So I have to think about going both
13 directions. Then tomorrow morning, just a reminder,
14 we're going to be starting at 8:00 rather than 8:30
15 and so that -- that's all I have right now.

16 CHAIRMAN BRUCE SHUPP: All right. Any
17 problems with that agenda shift? Any ideas or
18 comments?

19 DR. PAUL TEAGUE: Are you going to
20 take up one of the issues we're doing tomorrow about
21 the questions after this?

22 CHAIRMAN BRUCE SHUPP: We will
23 introduce the questions and discuss how we want to
24 approach them for tomorrow.

25 DR. PAUL TEAGUE: Okay.

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203

1 CHAIRMAN BRUCE SHUPP: That's it.

2 DR. PAUL TEAGUE: That's good.

3 CHAIRMAN BRUCE SHUPP: Then we can
4 think about it overnight and talk about it. All
5 right. Everybody okay with that? Okay.

6 Our speaker is -- I want to introduce

7 this because it's a little unusual. The speaker's
8 name is Paul Bishop, and he's from Collierville on
9 Kentucky Lake. Paul has been going back and forth
10 with e-mails to us for the last couple of months and
11 he asked -- he has a problem with encroachment, the
12 encroachment or filling of property of his neighbors.

13 He asked the Council to get involved
14 in that, and I said, "No, the Council is not an
15 adjudication body. We don't get involved in
16 disputes. I don't think you're with the right
17 organization." I explained our position on that.

18 He said, "Okay, but I would like to
19 have the Council hear about this as a policy issue.
20 What is TVA's policy on dealing with someone who
21 encroaches on the domain of the lake?"

22 And we agreed that that would be
23 appropriate use of our public comment period and
24 invited Paul to come in today, and he is here to --
25 he has 15 minutes, and then you have a chance to ask

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204

1 him questions and make comments.

2 Paul, the floor is yours.

3 DR. PAUL TEAGUE: Let's clarify

4 something from a geography standpoint, Collierville

5 is not on the Tennessee River.

6 MR. PAUL BISHOP: Thank you very much.

7 That is true. Mr. Shupp, I appreciate the

8 opportunity to address your Council. Thank you very

9 much for the introduction.

10 My name is Paul Bishop. I do live in

11 Collierville, Tennessee. It's my hometown just

12 outside of Memphis. I own a lake home on Kentucky

13 Lake just around Paris, Tennessee. I spend about 20

14 percent of my time there.

15 Mr. Tidwell, I am a member of the

16 Tennessee Conservation League. As a matter of fact,

17 I have brought this issue up to your current

18 president and have gotten him involved in this and

19 received a phone call back just a few days ago.

20 Mr. Shupp, I am a member of B.A.S.S.

21 and have been for about 12 years. I am proud of

22 that.

23 And Dr. Teague, I for you am Joe

24 six-pack.

25 The reason I am here is that I want to

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205

1 make certain that this Council understands and is

2 aware of how poorly, in my opinion, the TVA is

3 managing the public shoreline that it's responsible
4 for. In order to make this more than just my issue,
5 I think I can show a pattern of conduct in how the
6 TVA deals with these violations against their rules
7 and regulations.

8 First, are there any Council members
9 here that are current lake-front property owners,
10 beach front? Good. I am glad of that.

11 As you may know, and I am sure that
12 you guys and ladies do know, the waterfront property
13 is some of the most desirable property in the United
14 States. To live on the beach or on a lakeshore is a
15 lot of people's lifetime dreams.

16 This type of property is very
17 expensive because there's a finite amount of it. The
18 reasons for this are obvious, the views, the scenic
19 beauty, being able to share the boundary with public
20 land, which provides easy access to water and public
21 facilities and other natural resources.

22 I just got off the phone awhile ago
23 with a real estate agent who I am having sell my
24 property. He's telling me up there currently acreage
25 is worth about \$100,000 an acre on Kentucky Lake.

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1 Directly across the street is a little less than
2 \$10,000 an acre. So we're talking about property
3 values of ten times because of the access being on
4 the property.

5 If someone was going to consider
6 purchasing such property you would think that they
7 would naturally come to an understanding of what are
8 the possible uses of the adjoining land or the
9 negative ramifications to their property caused by
10 that adjoining land.

11 For example, is the public property
12 subject to flooding? If so, how much? Is it subject
13 to commercial development? Are they going to build a
14 nuclear reactor right next door to you?

15 You know, in regards to this, TVA
16 managed shoreline in particular, one might go to the
17 most official information they can find, which in my
18 case was the internet. TVA publishes their rules and
19 regulations.

20 Ms. Hill was kind enough to pass out a
21 printout of the same information that I got off of
22 the web site for all of you members, and I would like
23 to read a couple of little parts. The first one
24 deals with the standards of residential shoreline
25 structures.

1 It's underlined there. It talks about
2 that, "TVA manages the TVA owned residential access
3 shoreline to conserve, protect, and enhance the
4 shoreline resources while providing reasonable access
5 to the water by qualifying adjacent residents." The
6 top of the next page says that, "The TVA adopted a
7 new comprehensive shoreline management policy in
8 1999."

9 I have printed that off, which is the
10 document that you have. I have underlined a few
11 things there. In the bottom left-hand corner, under
12 this shoreline management policy, "TVA's long-term
13 goal for shoreline management balances shoreline
14 development, recreational use, and resource
15 conservation needs in a way that maintain the quality
16 of life and other important values provided by the
17 reservoirs."

18 The right-hand column, "This shoreline
19 management policy adopts a strategy of maintaining
20 and gaining public shoreline." My understanding of
21 that is that they are not giving any of it away, that
22 they are not selling it, that they are trying to keep
23 as much of it as possible, and if possible gain more.

24 Next page, top right-hand corner under
25 standards, "The shoreline management initiative study

1 found that having such standards protects property
2 values." I underlined that because to me it pointed
3 out that to me that at least there is the
4 consideration for property values. The recognition
5 of the actions taken by the TVA has significant
6 impacts to property values.

7 Then it also says, "Manages the
8 density and size of structures helps protect
9 important public values," the same ones that I have
10 listed before, "scenic beauty, water quality, natural
11 resources."

12 If you continue on and go to page 4,
13 the right-hand column under public lands, there's a
14 little bit more explanation of the maintain-and-gain
15 philosophy. It says, "The maintain-and-gain concept
16 responds to concerns about the effects of residential
17 development on public lands and resources. The new
18 policy maintains and gains public shoreline through
19 an integrated approach that conserves, protects, and
20 enhances shoreline resources and public use
21 opportunities while providing for reasonable and
22 compatible use of the shoreline by adjacent
23 residents." It even goes into you can't cut trees
24 down and what you can mow.

25

You people, I'm sure, are fairly

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209

1 familiar with these policies. In fact, I would
2 imagine that these policies were involved at some
3 level of having some public interaction in the types
4 of things y'all have been discussing here today.

5 I think it's important to understand
6 that you can listen to the public. You can hear
7 their input. You might even take their input. You
8 might even take their input to heart and incorporate
9 it into policies and procedures, but if you're not
10 going to act on them your actions speak louder than
11 anything that you talk about doing.

12 There's some questions here that says,
13 "Is TVA review needed to trim or remove vegetation on
14 public property?" Yes, you can't even cut a tree.

15 The next question that I put a star
16 beside says, "Under the SMP will TVA authorize
17 additional residential access and development at
18 locations where no such" -- I'm sorry -- "where such
19 rights do not exist?"

20 The answer, "Where residential access
21 rights do not currently exist, the TVA will consider
22 opening access across additional shoreland only," the

23 most important word, "for one of two situations; A,
24 projects proposed by others for exchange of access
25 rights that result in no-net loss or preferably a net

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210

1 gain of undeveloped public shoreline." You can read
2 on if you would like. B frankly is not relevant.

3 The next page talks about land base
4 structures and alterations. The very first one, and
5 again, this is information that was printed off last
6 night on the current TVA web site, "Except for steps,
7 pathways, boat launching ramps, marine railways
8 located in the access corridor, bank stabilization
9 along the shoreline, and other uses described on this
10 page, no permanent structures, fills or grading are
11 allowed on TVA land." I don't think it could
12 possibly be any more clearer than that.

13 After reading and understanding all of
14 this official information, I believe that one could
15 reasonably expect the TVA to uphold their own
16 published rules and regulations and protect my
17 property or other people's property from unauthorized
18 development on the shoreline.

19 To my knowledge, and please point to
20 me if I am wrong, there are no other governmental

21 organizations that has any control or responsibility
22 to manage this public shoreline, with the possible
23 exception of the Corps of Engineers and their ability
24 to flow water over certain elevation levels.

25 Now, to understand my perspective in

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211

1 this matter, I would like for you each to consider
2 how you would feel if you invested half a million
3 dollars into such a property and then someone came
4 along and blocked almost every single rule that I
5 have just read to you by constructing a permanent
6 structure that blocked the majority of your view and
7 significantly limited your access to the public
8 shoreline?

9 Okay. Now, I am talking about you
10 need to understand the scope of these violations.
11 What if somebody came in and placed enough fill to
12 raise the elevation by 14 feet over an acre of
13 property? I am talking about filling this room up
14 twice with fill dirt illegally or against the
15 regulations and then proceeded to build a four-story
16 10,000 square foot home on public land that belongs
17 as much to me and you as it does to him.

18 The reason that I am here today though

19 is not because this happened over five years ago and
20 the TVA has not done anything about it yet, I am here
21 because it turns out that similar encroachments have
22 taken place at least 19 times since 1988, 19 times.
23 These are the suffrage agreements to resolve those
24 matters. Even worse, the TVA has actually entered
25 into legal suffrage documents with these violators

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212

1 that allowed them to maintain the existing dwelling,
2 deck, garages in their present locations.

3 Officially the TVA has stated they
4 have no right to be there. In fact, when they signed
5 this document they have to say, "You have no right to
6 be there," but the very next paragraph says,
7 "However, we will allow you to stay," in a legal
8 document.

9 To my knowledge. Again, these are the
10 only legal documents entered into by our federal
11 government that actually permit someone to live on
12 public property. That's against the law in any other
13 federal agency in this country. The Bureau of Land
14 Management, you can't -- it would not even be an
15 option made available to them, and they are allowing
16 these people to live on public land.

17 Now, how could it be right or fair for
18 the violator in these cases to receive such lenient
19 and favorable treatment when such damage is being
20 done to independent bystanders and the general
21 public?

22 My fear and the reason that I came
23 here today is that the precedent has already been
24 set. I have been told when dealing with this issue
25 on numerous occasions that this is simply how we

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213

1 handle encroachments of this nature. It's a matter
2 of following suit. Today's decision-makers are
3 simply following suit with the existing suffrage
4 agreements. This is extremely dangerous and it
5 exposes the TVA's lenient authority.

6 In my case I know for a fact that my
7 neighbor understood the TVA's lack of enforcement.
8 He stated to me personally, and I will quote, "That
9 one should not ask the TVA for permission," which he
10 had no permission, permits or authority, "but only
11 for forgiveness if they are caught violating their
12 rules."

13 He took a calculated gamble and he
14 acted defiantly in disregard of a stop order. So he

15 starts construction. They tell him to stop and he
16 says -- he immediately tells his construction crew to
17 continue on that same day, amazing to me. It's
18 absolutely amazing, but now he's to be rewarded with
19 a legal agreement to allow him to keep his house on
20 public land blocking my view and trying to deny me
21 access across public property.

22 There are no mitigating circumstances
23 in this case. This gentleman was caught red-handed
24 adding fill to the shoreline and the TVA survey
25 confirmed that he was building a permanent structure

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214

1 on public property. He and his construction crew
2 were ordered to stop and they continued on. They
3 were only in the early stages of framing, and the TVA
4 has still not provided him with permission to
5 continue to this day, five years later. That house
6 is finished, completed, built, and has been for the
7 last three.

8 My point is that there could not
9 possibly be a more blatant disregard for TVA's
10 authority, and yet, they have still proposed the same
11 resolution to this case as they have for all of these
12 other 19 existing cases. That is a pattern of

13 conduct. That is not a situation where they
14 evaluated one deal. There are 19 cases. And in this
15 blatant disregard, there's going to a 20th case.

16 And in this situation I will state, I
17 can't remember exactly which official it was within
18 TVA, but this is the largest known encroachment case
19 in TVA history and they are simply going to follow a
20 pattern of conduct.

21 Using suffrage agreements as
22 resolutions to such severe encroachment cases clearly
23 does not conform to the TVA's goals that I read
24 earlier, the goals of protection, conservation,
25 enhancement of the shoreline. Clearly, it does not

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215

1 maintain the quality of life and other important
2 values provided in this document that I read earlier.
3 It does not maintain or gain public shorelines, it
4 effectively gives it away, and it sets another very
5 bad example of TVA's lenient authority leading to
6 further abuse.

7 I couldn't help but think as I sat
8 here today and listened to this whole meeting that
9 we're having trouble getting public interaction with
10 some of the policy and decision-making, maybe 3

11 percent response to some survey request, and I
12 started thinking, if I went to Paris today I bet you
13 I couldn't find an individual who was aware that this
14 Council existed, not a single one, except for the
15 ones that work for the TVA. And I bet you would
16 really struggle to get anybody there to come to any
17 meetings where you're seeking public interaction, but
18 I can tell you I could find thousands that are aware
19 of this deal and they know exactly what you're doing
20 in this regard, and you are setting a bad precedence.
21 The public knows your actions, not from these
22 meetings what happens, and they will respond.

23 Why do you think in each case the 20th
24 one is worse than the first one and the second one
25 and the third one?

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216

1 At some point you have to recognize
2 simple facts. It's my hope that this Council will
3 understand this issue and how it negatively affects
4 the conservation of the public resources, and I would
5 hope that you would actually potentially create a
6 subcommittee to research the effects of the TVA's
7 lenient enforcement of these policies that have been
8 written and then make some policy recommendations to

9 the TVA. At a minimum, they should be encouraged to
10 uphold their existing rules and regulations.

11 I appreciate the opportunity to vent a
12 little frustration, and I certainly would be happy to
13 answer any questions.

14 MR. PHIL COMER: Why does this sound
15 so familiar to me? We have heard all of this before.

16 CHAIRMAN BRUCE SHUPP: Thank you,
17 Mr. Bishop. Now we will open to questions or
18 comments.

19 MR. PHIL COMER: Why does it sound so
20 familiar to me? We have heard this before. This
21 very same identical -- have you appeared before us
22 before?

23 MR. PAUL BISHOP: No, sir, I have not.

24 MR. PHIL COMER: Why am I totally
25 familiar with this? Have you sent me e-mails about

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217

1 this a year or so ago?

2 MR. PAUL BISHOP: Yes, sir, I did send
3 an e-mail out about a year ago.

4 CHAIRMAN BRUCE SHUPP: We circulated
5 the e-mail that he sent to us.

6 MR. PHIL COMER: Everything he said I

7 have heard before.

8 CHAIRMAN BRUCE SHUPP: We circulated
9 the e-mail, I don't think it was a year ago, it was
10 probably six months or something like that.

11 MR. PAUL BISHOP: It was close to a
12 year ago.

13 CHAIRMAN BRUCE SHUPP: Was it that
14 long?

15 MR. PHIL COMER: Or longer, yeah.

16 CHAIRMAN BRUCE SHUPP: We circulated
17 that, and now we invited him to talk to us, that's
18 why you're familiar with it.

19 Other comments?

20 MR. PHIL COMER: What answers have you
21 been given? Obviously, you have talked to TVA people
22 before today.

23 MR. PAUL BISHOP: I don't like to
24 speak -- maybe they can address that. What I have
25 been told simply is that to date I know nothing has

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218

1 happened. The gentleman is still there. No decision
2 has been made. No suffrage agreement has been
3 entered into. It's five years since this happened
4 and since TVA found out about it, and nothing has

5 happened.

6 MR. PHIL COMER: Does he live in the
7 house?

8 MR. PAUL BISHOP: Yes, he lives in the
9 house. He's denying me access in as well into his
10 house, which is on -- it belongs to me and to you as
11 much as it does to him. I have been led to believe
12 that they will enter into another suffrage agreement.

13 CHAIRMAN BRUCE SHUPP: Who led you to
14 believe that?

15 MR. PAUL BISHOP: Ms. Ellis and her
16 organization.

17 CHAIRMAN BRUCE SHUPP: Kate, would TVA
18 like to make any comments on this?

19 DR. KATE JACKSON: The only thing that
20 I am willing to say is that we're in the process with
21 discussions with both Mr. Bishop and Mr. Kesterson
22 (phonetic) and this is an ongoing process.

23 MR. GREER TIDWELL: Could I ask a
24 little bit more of the description of the process and
25 the standards that apply to this kind of situation?

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219
1 DR. KATE JACKSON: Well, I mean, my
2 suggestion is if the Council wants to take up this

3 policy, we can do that. This is probably not the
4 appropriate place.

5 Although, what Mr. Bishop says is
6 correct, we have historically managed encroachments
7 and violations of this kind and other kinds,
8 including timber cutting, things like that, on a
9 case-by-case basis, recognizing that every situation
10 is dramatically different. We don't have a recipe
11 for this. So we try very hard to investigate what
12 exactly is going on, and if we can, reach an amicable
13 solution.

14 MR. GREER TIDWELL: I'm asking a very
15 general question not related to any particular lake
16 or any particular property. What is the legal
17 standard or process or authority to work and make a
18 decision that is in line with the shoreline
19 management policy?

20 DR. KATE JACKSON: Well, the shoreline
21 management policy focuses only on opening up
22 additional shoreline for residential access, very
23 specifically. That whole maintain and gain is only
24 about opening additional and existing residential
25 access, trading it for extinguishing residential

1 rights on other places.

2 MR. GREER TIDWELL: I'm sorry. I
3 don't understand that.

4 MR. PHIL COMER: It's very important,
5 Kate. Go over that again because it's very true and
6 very often misunderstood, but it's very important.

7 DR. KATE JACKSON: The shoreline
8 management initiative was a policy examination of
9 existing allocations for residential access across
10 the entire system and getting feedback from the
11 public which said, we don't want more shoreline
12 allocated for residential access.

13 So roughly across the whole system
14 34 percent of the shoreline is allocated for
15 residential access. Some of that is built out and
16 some of it is not.

17 So if you were a property owner and
18 you wanted residential access and you didn't have it,
19 your land abutted ours and you didn't have it, and
20 that piece of land that your land abutted did not
21 have that residential access, you could look for
22 opportunities to purchase residential access land and
23 trade it to us.

24 We would have to examine whether
25 that's appropriate and whether it had appropriate

1 environmental criteria and characteristics and we
2 would extinguish those rights over there and sell you
3 those rights over here.

4 MR. GREER TIDWELL: And the rest of
5 the description there about no more construction, I'm
6 sorry, I have forgotten the language.

7 DR. KATE JACKSON: The issue is --
8 theoretically you need a 26(a) permit to put
9 structures, to put fill, and there are cases where
10 people have put a corner of a pool, a gazebo, a
11 tennis court, a porch, in this case a house.

12 MR. PAUL BISHOP: Or a 10,000 square
13 foot home.

14 CHAIRMAN BRUCE SHUPP: Is there a
15 differentiation made between an accidental
16 encroachment and a deliberate encroachment?

17 DR. KATE JACKSON: I think it's
18 inappropriate for me, first of all, to comment on
19 that, and second of all, to assume that I know the
20 motivations of the public.

21 CHAIRMAN BRUCE SHUPP: All right.
22 Since we are not going to get into the TVA side of
23 the story on this, the only thing left for the
24 Council to do is to act on the recommendation that we
25 look into the -- I'm sorry. Go ahead. Before I

1 finish that, go ahead.

2 MR. AUSTIN CARROLL: I just had a
3 question, and I am sure that you've probably pursued
4 this, but is there not any kind of legal direction
5 you can take? Like, for example, can you file a suit
6 to force TVA to enforce their own rules and
7 regulations? Have you looked at that?

8 MR. PAUL BISHOP: I have patiently
9 tried not to engage in any litigation. I have
10 engaged with Senator Bill Frist and multiple
11 political representatives. I recognize and
12 understand that until -- at which point litigation
13 gets involved that none of your politicians will
14 continue any of their lobbying efforts or assistance
15 in any manner, but I have not exhausted that
16 possibility. I have researched that, and frankly,
17 it's my intentions.

18 MR. GREER TIDWELL: I kind of want to
19 stay on the same policy issue about if the -- one of
20 the issues that I have stayed on in this Council has
21 been the need for a comprehensive land use policy
22 that you can as a citizen, as a user and enjoyer of
23 TVA's resources hold the board accountable to. You

24 can make a public record and you can go to the
25 newspaper, whether you can sue them or not is another

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223

1 issue, but at least a policy that you can try to hold
2 the board accountable to.

3 And if it's not in the shoreline
4 management policy for someone to be able to tell the
5 board, you can't have somebody build a 10,000 square
6 foot house on it, whether this is the right case for
7 that or not is not the question, then we need another
8 set of policies that pushes the board to maintain and
9 conserve the resources we have out there. Otherwise,
10 you're going to get piecemeal in the paper.

11 It's going to be a distraction. It's
12 going to keep them from making energy more
13 efficiently. I mean, we need that kind of policy out
14 there that the public can count on in terms of land
15 use management. This is, I think, a good example of
16 why it's needed.

17 CHAIRMAN BRUCE SHUPP: That brings us
18 to the next question. Is this within the
19 jurisdiction of this Council to discuss that policy?
20 And if so, how does this Council deal with it since
21 it's the last meeting of this iteration of the

22 Council? Do we table it and recommend it to the next
23 Council? Do we deal with it somehow tomorrow? I
24 would think we couldn't. We have to research it.
25 What are your wishes? Let's discuss this.

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224

1 MR. PAUL BISHOP: Can I interject?
2 CHAIRMAN BRUCE SHUPP: Certainly.
3 MR. PAUL BISHOP: I would like to read
4 one other thing, and it's from the Charter of the
5 Regional Council before anybody actually answers that
6 question. "Accordingly, the TVA establishes the
7 Regional Resource Stewardship Council to provide TVA
8 advice on its stewardship activities and the
9 priorities among competing objectives and values.
10 The TVA stewardship activities include management of
11 the land in its custody."
12 Now, I am a laymen, but the way I read
13 this, where else do I go?
14 CHAIRMAN BRUCE SHUPP: Discussion.
15 DR. PAUL TEAGUE: This case presents a
16 dilemma to me from two standpoints. No. 1, ten years
17 ago I had a similar problem, but I handled it totally
18 differently than this. I had -- I ended up electing
19 to give TVA money for the right to cut bushes between

20 my house and the river, which is the policy that was
21 instituted about the time that I was involved in
22 this.

23 It's late in the day for this Council
24 to be involved in this case since it's only one time.
25 I think it's inappropriate. Two years ago, yes, but

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225
1 for us to sit here and make a decision that we can't
2 follow up on, I have my questions about.

3 No. 2, I question our right to push
4 TVA, Kate, and Bridgette on this issue, especially
5 with the possibility of the legal implications, and
6 they have to be very careful as to what they say
7 based on that aspect of it.

8 So if -- two years ago or four years
9 ago if this case had been presented, then I would
10 have been totally for let's get in the middle of it
11 and come to a conclusion, but since we have only got
12 eight more hours of this Council, I don't think it's
13 appropriate for us to do it as this group.

14 MR. PHIL COMER: Well, Paul, I don't
15 think this is the first time this gentleman has
16 attempted to present this to us. This is why it rang
17 such a bell to me. And everyone -- or at least Bruce

18 has admitted -- and my recollection is it's been more
19 than a year ago that all of this was somehow
20 submitted to us, and I don't know what's happened in
21 the intervening year. I have had no further
22 communications about it and so forth, but I don't
23 think he has brought this to TVA or to us today. I
24 think he attempted to bring it to us a year ago.

25 I don't think we could settle it

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226

1 today, and I don't expect Kate or Barry Walton or
2 anybody to be able to enter into any sort of further
3 discourse on it today. I think that is unfair to ask
4 TVA to do that, but I would like to propose that if
5 there is a continuation or a renewal or another
6 Council that may be brought into existence by TVA
7 after this one expires on February the 4th, that in
8 the interest of justice to this man who has been
9 frustrated in his efforts, I don't think he ought to
10 have to be forced into an expensive lawsuit to
11 adjudicate this, I really don't, I think that if this
12 Council or one similar to it is continued or created
13 after February 4th that it should be willing to put
14 this on the agenda and give TVA ample time to prepare
15 their point of view. They obviously have a point of

16 view about this. This is not something that is just
17 a one-sided story, and we're hearing Mr. Bishop's
18 side principally today.

19 MR. PAUL BISHOP: Mr. Comer, I can't
20 tell you how much I appreciate that, but frankly I
21 didn't come here today on my case. I say that in the
22 biggest and most of sincerity. I am here because
23 it's a policy.

24 MR. PHIL COMER: Well, I don't want to
25 limit it to your case. I would like to include all

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227

1 19 of those others and recommend that this is what
2 this Council was created to do four years ago. What
3 you read is very clear, and you don't have to be a
4 lawyer to understand that. That is plain English.

5 I think it ought to be looked into by
6 this Council or its successor in the future, but I
7 don't think we can deal with it today or tomorrow in
8 any way.

9 CHAIRMAN BRUCE SHUPP: I would like to
10 clarify what you said, Phil, about the interim period
11 from the first contact to today. And Paul and I went
12 back and forth with e-mails on that. We were talking
13 about the appropriateness of us to act -- at least it

14 was my interpretation that he was asking us to be the
15 adjudicatory body in this instead of looking at the
16 overall policy issue, and we went back and forth,
17 back and forth, and finally he said, "I want to talk
18 to you about the policy issue itself," and that's
19 when I said that that makes sense but we should not
20 be deciding your case.

21 MR. PHIL COMER: We have before
22 though, Bruce. This wouldn't be the first case. I
23 believe we dealt with some cases in a picnic area up
24 off the end of Cherokee Lake where people who had
25 front porches or roofs over an area were -- had been

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228
1 told they had to tear them down by August, and we got
2 into it. They brought a lady in here on a stretcher
3 and it was very -- well, it was a very emotional
4 thing and so forth, but that was very effective by
5 that family --

6 CHAIRMAN BRUCE SHUPP: Very effective.

7 MR. PHIL COMER: -- bringing that lady
8 in on the stretcher, and we did adjudicate that
9 matter.

10 CHAIRMAN BRUCE SHUPP: No, we didn't.

11 MR. PHIL COMER: Yes, we did.

12 CHAIRMAN BRUCE SHUPP: No, we didn't
13 adjudicate it. We listened to their appeal and then
14 TVA themselves changed their policy.

15 MR. PHIL COMER: Yes, I understand.

16 CHAIRMAN BRUCE SHUPP: We didn't
17 adjudicate it.

18 MR. PHIL COMER: For all practical
19 matters, we played an important part in the
20 resolution of that matter.

21 CHAIRMAN BRUCE SHUPP: That's correct.

22 MR. PHIL COMER: We certainly did.

23 MR. GREER TIDWELL: Changing policy is
24 what we changed.

25 MR. PHIL COMER: We certainly did.

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229

1 CHAIRMAN BRUCE SHUPP: Well, this is
2 beyond that.

3 MR. PHIL COMER: Well, I think we
4 ought to hear it, the policy. I don't care whether
5 it's adjudicating his particular case, but it's a
6 pretty impressive sounding case, but I don't think we
7 can solve it today or tomorrow.

8 CHAIRMAN BRUCE SHUPP: Your point is
9 well taken.

10 MR. PHIL COMER: And I don't expect
11 Kate or an attorney or anybody else to respond today
12 to this, but I think it ought to be heard.

13 DR. PAUL TEAGUE: Mr. Chairman, since
14 I started, I really want to say, first of all, the
15 other issue about porches was different because that
16 was not permanent, that wasn't considered permanency,
17 but it was resolved appropriately and we took pride
18 in the fact that we felt that we helped TVA do the
19 right thing.

20 My point is exactly what Phil said
21 today, it's just not -- we cannot solve this problem
22 and there's no need for us to start this, except to
23 say that we are concerned, because we don't have time
24 for an appropriate response. And if I were on the
25 next Council, then I would -- if they have another

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1 one, then I would agree that this should be
2 addressed.

3 MR. PHIL COMER: That's what I am
4 saying.

5 CHAIRMAN BRUCE SHUPP: Jackie.

6 MS. JACKIE SHELTON: I would like to
7 thank you very much for coming, and I certainly can

8 see your frustration. And the feeling in the
9 American public is what's right is right, and I am a
10 firm believer in that.

11 And as you presented the plans that
12 TVA has set for the American public stating that this
13 is what will happen, that they will govern this and
14 it hasn't been done, and realizing we certainly
15 cannot solve this today and it certainly would put
16 Kate on the spot as well, however, under our mandate
17 we are to advise. And in something like this, if we
18 don't act to the public, how, how can we -- even with
19 this meeting we have had today, how can we give TVA a
20 better name? When will Kate stop getting the hate
21 mail?

22 To me it's ridiculous to sit here and
23 think we cannot address in an advisory capacity what
24 this gentleman has brought to us.

25 CHAIRMAN BRUCE SHUPP: All right. It

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231

1 seems the me the consensus, since we don't vote in
2 this -- just to clarify for you, Paul, we don't vote
3 on this Council. We do things by consensus.

4 MR. PHIL COMER: In the first two
5 years we didn't, but we vote in the second two years.

6 The rules were changed. The rules were changed.

7 CHAIRMAN BRUCE SHUPP: We can do that
8 then. Would you like to put a motion to the Council,
9 Phil, on your suggestion?

10 MR. PHIL COMER: Everything I said is
11 a motion, that it should be brought up by whoever --
12 if there is a successor to this group, which will
13 expire on the 4th of February, then I think they
14 should address this matter in particular, but also
15 the other 18 and the matter -- as a matter of
16 principle, as a matter of policy.

17 DR. PAUL TEAGUE: Mr. Chairman, I
18 agree that the next generation --

19 MR. PHIL COMER: If there is one.

20 DR. PAUL TEAGUE: -- should address
21 this, but I do not agree and I think it's
22 inappropriate for us to tell the next generation as
23 to how to handle business.

24 MR. PHIL COMER: We can recommend it.

25 MR. PAUL BISHOP: And you can rest

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232

1 assured that I will still be here.

2 DR. PAUL TEAGUE: I will go along with
3 that, Phil.

4 CHAIRMAN BRUCE SHUPP: All right. We
5 have got to have it worded so it can go on the record
6 as the motion we're seeking consensus on. Who wants
7 to take a shot at that?

8 MR. PHIL COMER: Barry, where are you?

9 CHAIRMAN BRUCE SHUPP: I think the
10 difference between what you two said is that you want
11 to extend it to the individual 19 or 20 violations,
12 when Paul is looking to just deal with the overall
13 policy.

14 MR. PHIL COMER: Paul doesn't think we
15 can make a decision that requires the next group to
16 deal with this and I agree with him on that, but we
17 can recommend they consider it.

18 DR. PAUL TEAGUE: Let me -- as I go
19 back to what I said, I don't think we should get
20 Barry and Kate to make specific statements right now
21 at this point, and I will rectify for that for you, I
22 will recommend that it is our recommendation that
23 this be followed up -- our recommendation is that
24 this be followed up if there is another Council.

25 MR. PHIL COMER: We agree on that.

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1 CHAIRMAN BRUCE SHUPP: Vern said,

2 "Don't fight when you agree." I want to see a nod of
3 heads of anybody disagreeing with that
4 recommendation.

5 MR. PHIL COMER: Let's vote. We have
6 been voting the last two years.

7 CHAIRMAN BRUCE SHUPP: Do you want to
8 vote?

9 MR. AUSTIN CARROLL: I thought we
10 would have a little discussion first.

11 CHAIRMAN BRUCE SHUPP: Okay. Go
12 ahead.

13 MR. AUSTIN CARROLL: I would like to
14 know what "it" is.

15 DR. PAUL TEAGUE: I recommend that
16 this issue be discussed with the next Council.

17 MR. AUSTIN CARROLL: The issue being
18 taking a look at TVA's policies relative to shoreline
19 encroachment, is that what we're talking about, and
20 enforcement?

21 CHAIRMAN BRUCE SHUPP: Shoreline
22 encroachment and enforcement.

23 MR. PHIL COMER: Well, the policy that
24 they -- you used a particular term.

25 MR. PAUL BISHOP: I'm sorry that we're

1 getting stuck here, but the thing that's the most
2 important to me that seems to be the most logical is
3 that the TVA, and they have told me this before, in
4 small cases of enforcement issues they first seek
5 voluntary compliance. Okay? If a person doesn't
6 voluntarily comply and they press the issues or their
7 issue is big enough, the larger and more egregious
8 the violation, the less likely they are going to do
9 anything about it.

10 MR. PHIL COMER: But there's a word,
11 to subordinate or something.

12 MR. PAUL BISHOP: Suffrage agreements.

13 MR. PHIL COMER: Thank you. Thank
14 you. Thank you. The suffrage agreement should be
15 looked into. That's the term -- Barry, that's the
16 term I was looking for. I know of a very minor case
17 of this on Cherokee Lake, so minor that it's not
18 worth getting into, but it's very important to that
19 landowner, but this is a major case.

20 MS. JACKIE SHELTON: Yes, it is.

21 CHAIRMAN BRUCE SHUPP: Well, let me
22 try to restate this, and then we will have discussion
23 that will make this the motion, if you will. The
24 motion made by Paul Teague and seconded by Phil Comer
25 is that this Council recommends that if the

1 Resource -- Regional Resource Stewardship Council is
2 reinstated in its third iteration that they take up
3 an investigation into the policy of TVA on
4 encroachment, enforcement of encroachment and
5 suffrage agreements. Does that sound about right?

6 MR. AUSTIN CARROLL: Relative to
7 shoreline.

8 CHAIRMAN BRUCE SHUPP: Relative to
9 shoreline.

10 MR. AUSTIN CARROLL: Not transmission
11 line.

12 CHAIRMAN BRUCE SHUPP: Good point.
13 Relative to shoreline encroachment and suffrage
14 agreements, does that sound right? That's a motion.

15 DR. PAUL TEAGUE: I will accept that.

16 MR. PHIL COMER: I will, too.

17 CHAIRMAN BRUCE SHUPP: All right. Do
18 we have discussion on the motion?

19 Jackie, you have your card up. Do you
20 have a comment?

21 MS. JACKIE SHELTON: Oh, I'm sorry. I
22 will comment though. Could we put strongly recommend
23 into the motion, strongly recommend?

24 MR. PHIL COMER: I will.

25 MS. JACKIE SHELTON: I think this is

1 extremely important. I think it ties into what we're
2 discussing today.

3 DR. PAUL TEAGUE: I accept that.

4 CHAIRMAN BRUCE SHUPP: Call for the
5 question. All those in favor say aye. Opposed.

6 Carried.

7 Thank you, Mr. Bishop. You have done
8 a service.

9 MR. PAUL BISHOP: Thank you-all very
10 much.

11 CHAIRMAN BRUCE SHUPP: I apologize for
12 the year delay, but justice sometimes comes slow.
13 It's a quarter to 5:00. There's no point starting
14 that discussion. I think we adjourn for today. At
15 ten minutes to 6:00 in the lobby we walk to the
16 brewery for supper.

17 END OF FIRST DAY

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