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BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

- - - - -x
IN THE MATTER OF: : Project Number
SMITH MOUNTAIN PROJECT : 2210-108
- - - - -x

First Baptist Church
502 South Main Street
Gretna, VA

Thursday, January 27, 2005

The above-entitled matter came on for scoping
meeting, pursuant to notice at 8:58 a.m.

MODERATOR: FRANK SIMMS

1 P R O C E E D I N G S

2 (8:58 a.m.)

3

4 MR. SIMMS: I'd like to get started here. We've
5 got a lot to cover. We've got a lot to do. It's a heck of
6 a long day.

7 Good morning. My name is Frank Simms for
8 American Electric Power. I'm the hydro support manager and
9 the project manager for the relicensing of the Smith
10 Mountain Project.

11 The same question I had for everybody yesterday.
12 Do you belong here?

13 (Chorus of Ayes.)

14 MR. SIMMS: Okay. All right. I want to make
15 sure you're at the right meeting. A couple of small issues
16 and then we'll turn the meeting over to the FERC. It is
17 their meeting.

18 One is that I ask, if you haven't signed in yet
19 in the back just to show your attendance, I'd appreciate
20 your doing so before you leave the meeting. Two, there are
21 drinks and coffee in the back. And, if you get thirsty or
22 want some coffee, just go ahead back there at your leisure
23 and partake. Three, when we have lunch today, everybody is
24 on their own. So good luck to you finding restaurants here
25 in the area. Can't treat you like we did yesterday. And

1 really that's pretty much all I have to say.

2 MR. GOLDSMITH: Can I ask you a question?

3 MR. SIMMS: Yes.

4 MR. GOLDSMITH: Each time we come, do you want us
5 to sign in or as long as we're on the sign-in at some point
6 in time?

7 MR. SIMMS: As long as you're signed each day.
8 And, also, if you attend the meeting tonight at 7:00, we'll
9 ask that you sign in there, too.

10 Allan Creamer -- most of you remember him from
11 yesterday -- will start the meeting.

12 MR. CREAMER: Good morning everybody. Glad to
13 see everybody back this morning. We have a little bit
14 smaller crowd -- at least right now. I expect that to grow
15 during the course of the morning.

16 A couple of quick items -- Frank mentioned the
17 sign-in sheet that's at the back and there's also some
18 registration forms for today's meeting. For those of you
19 who were not here yesterday, or if you were here yesterday
20 and didn't fill one out, if you plan to speak, we need to
21 know. So that's the registration form for that so I have a
22 track of who's going to be giving presentations. So it's on
23 that back table. If you haven't already filled one of those
24 out, please do so.

25 I'm going to run through real quickly -- we sort

1 of touched on this yesterday -- what's up here on the
2 screen. We're talking about oral testimony versus written
3 testimony. Before we open the meetings to presentations and
4 further discussion, I do have a list of people that have
5 given me these forms and I will be calling you up in the
6 order that I have them. We will give everybody an
7 opportunity to speak if you want to. We have pretty much
8 all day here, so we should be able to, time-wise,
9 accommodate everybody.

10 One thing I would do is remind everybody that we
11 have a stenographer here and he's here -- this is a public
12 hearing, which means this is on the record and he is
13 recording everything that's said. So comments that are
14 made, presentations, everything we say today will be in the
15 public record. He has asked me to ask you when you do come
16 up to speak you need to come up to the podium so that he can
17 make sure that he gets everything down accurately. I will
18 also ask you to please clearly state your name and
19 affiliation for the record.

20 If you do not wish to speak today, you can submit
21 written comments. This is not the only opportunity. You
22 can submit written comments. You can file them directly
23 with the Commission's Secretary. The name and address is up
24 here on the slide. You will also find that same information
25 in the scoping document. It is also in the notice for the

1 meeting.

2 If you have a study request, you will need to
3 follow the same procedures as far as submitting that study
4 request. We went through briefly yesterday, for those who
5 were not here, there are specific study -- if you're going
6 to submit study requests, there are specific criteria that
7 you must follow. If you have any questions with regard to
8 that, please see me and I'll see that you get a copy of
9 those study criteria.

10 Just a final thought -- why we are here for those
11 of you that weren't here yesterday. What we're basically
12 here to do is get your comments on the issues and to discuss
13 what's important to you. So please feel free to -- and I
14 would ask you to be frank with your comments. We need to
15 know exactly what the issues are. We need to know where
16 there's information needs so we can proceed with this
17 relicensing.

18 We're also here to discuss and finalize a process
19 plan. For those of you who where were not here yesterday,
20 in this relicensing process we have a process plan.
21 Basically, what that is it's a schedule. It has itemized
22 dates. It provides all the information that everybody needs
23 to know as far as the dates when things need to be submitted
24 for this that the Commission will issue. Everything is
25 itemized with dates.

1 Finally, we're not here -- I mentioned studies --
2 we're not here to finalize the studies or the study plan.
3 But rather we're here to initiate the relevant discussion
4 pertaining to study needs that will assist Appalachian Power
5 to develop an appropriate study plan.

6 So, with that, does anybody have any questions
7 before we start getting into the presentations?

8 (No response.)

9 MR. CREAMER: All right. The first sheet that I
10 have here is Charles Neudorfer.

11 MR. NEUDORFER: I'm Charles Neudorfer and I'm an
12 elected member of the Bedford County Board of Supervisors.
13 I'm also Vice Chairman of the Tri-County Relicensing
14 Commission. And, for the purposes of describing to FERC,
15 this is the Commission that recently submitted a request to
16 be granted late intervenor status in the relicensing process
17 and to also to have a technical conference on some
18 outstanding issues on the Shoreline Management Plan.

19 The counties of Bedford, Franklin and
20 Pittsylvania are represented in the committee. These three
21 counties represent a population of about 174,000 citizens.
22 Two supervisor and a supervisor as an alternate were
23 appointed by the Board of Supervisors of each of the
24 counties to create this particular committee. The three
25 county administrators and supporting staff attend the

1 meetings. The county attorney attends our meetings and we
2 have a common budget established by the three counties for
3 support of the committee.

4 It was developed to come up with a unified
5 position on all of the issues concerning the three counties
6 on this particular project -- the relicensing process. It
7 will act as a single point of contact for the three
8 counties. We have the ability to go out and hire in expert
9 help as needed. And we have the ability to negotiate on
10 behalf of the three counties on all of the relicensing
11 issues. And I stress some of these points to show the
12 importance that the counties view the relicensing process.

13 We wanted to take this particular activity out of
14 the day-to-day operations of the county, set up its own
15 resources and attack this particular issue separately so
16 that it gets the proper attention. We also view this
17 committee as being very beneficial, not only to the counties
18 but to FERC and to AEP as we go through the process. We try
19 and unify the concerns and the issues for each of the
20 counties.

21 I want to thank you for soliciting our comments
22 and suggestions on your preliminary list of issues and
23 alternatives to be addressed in the Environmental
24 Assessment. The speakers that will follow me from the
25 committee will go into more detail as well as our written

1 comments will go into more detail on each of the issues, but
2 I'd like to talk in a couple of the general areas where we
3 see many of the issues coalescing.

4 The first is the aging of the lake.
5 Sedimentation and erosion and water quality are major issues
6 with the aging of the lake. Sedimentation is a cumulative
7 issue. The construction of the dam has created situations
8 which exacerbate sedimentation in the lakes themselves. The
9 project operation and recreational use of the lakes create
10 erosion, which then is sedimentation, and a study proposed
11 to just look at the water volume or change in water volume
12 over time is not a sufficient response to this kind of an
13 issue. We need to study remedial steps and set plans to
14 remove and protect against future sedimentation.

15 There are some areas that need to be returned to
16 the original depth of the shoreline of the original contour
17 of the lake because, at this point in time, certain people
18 cannot use docks or recreational areas that existed early on
19 in the life of the lake.

20 Water quality is not the dissolved oxygen and
21 temperature issues. There are parameters such as nitrogen,
22 total phosphorous and a host of other parameters that all
23 impact the aging of the lake. The AEP, the Commonwealth of
24 Virginia and the Chesapeake Bay Restoration Project uses all
25 these factors in evaluating the health and age of a body of

1 water and this is not a one-time study. We need to
2 continually test and track these factors. We can't just
3 test and quantify, but we must reduce and remedy to slow the
4 aging process and protect the lakes for the future.

5 Our second point is the expanded use of the lakes
6 and the water of the lakes. Lakes that were created for the
7 generation of electricity are now woven into the fabric of
8 the area. We have a new use for drinking water from the
9 lakes. We're now withdrawing up to a million gallons per
10 day drinking water on a cooperative program between Bedford
11 and Franklin counties. Estimates are that by 2007-2008 that
12 the area will want to take 3 million gallons per day out of
13 the lake for drinking water.

14 And the Roanoke Valley/Allegheny Regional
15 Commission did a study a little while ago that predicts that
16 by the time this next license period expires we are going to
17 be wanting to take many more times that amount of water out
18 of the lakes for the use of drinking water in the area.

19 The recreational use of the lake goes without
20 saying. It's a major economic factor in the area, not only
21 for businesses -- current businesses and future businesses -
22 - but for the value of the property around the lake. A new
23 use has been fire safety with the introduction of fire boats
24 on the lake. Both of these activities are severely impacted
25 by water level and fluctuation, drought and flood

1 management, minimum depth levels, debris and navigation
2 aids. The expanded use of the lakes calls for participation
3 in decisions effecting the lakes throughout this area in the
4 next licensing period.

5 Finally, in response to the scoping document,
6 paragraph 5, I would like to make a few comments about the
7 socioeconomic resources. A socioeconomic study has not been
8 done. Paragraph 2.13 entitled "Socioeconomic Resources" on
9 page 2-27 of the PAD summarizes a document dated December
10 1996 and that report is entitled "Economic and Physical
11 Impacts." This is not a socioeconomic study. It's a 1995
12 data point on the economy of the area. We will be proposing
13 that a socioeconomic study be performed that is done by
14 jointly selecting an outside agency or consultant to do the
15 study and we'll be requesting that we be allowed to use four
16 existing socioeconomic studies as examples, at least two of
17 which are not a part of the Smith Mountain Project area.

18 I want to thank you for offering us the
19 opportunity to come before you and speak on what we consider
20 very important issues. And I'd now like to leave for other
21 members of the committee the opportunity to discuss more
22 detailed areas of the scoping document and the PAD.

23 Do you want me to call them or you?

24 MR. CREAMER: Thank you. Russ Johnson.

25 MR. JOHNSON: Good morning. My name is Russ

1 Johnson. I'm an elected supervisor from Franklin County.
2 I'm also the chairman of the Tri-County Relicensing
3 Committee. My responsibility is to talk to you briefly
4 about the studies that are in the PAD document.

5 To start out with a general statement, we believe
6 that all the studies that are identified in the PAD document
7 should be conducted. And, in fact, we not only would like
8 to have those studies conducted, but we expect that the data
9 that's derived from them will be applied to the appropriate
10 subjects.

11 Now it's nice to start out with a general
12 statement like that, but we do have some concerns of the
13 studies that are in the PAD. Let's begin with the first one
14 and, perhaps, one of the most major concerns that we have.
15 When we looked through the studies, we noted that after the
16 study period is over with and the license is granted there
17 are no further studies that are called for or updates of the
18 studies throughout the entire license. We think that's a
19 mistake.

20 We believe very strongly that periodic updates to
21 the studies that are conducted need to be repeated and they
22 need to be repeated for two reasons. First, by repeating
23 the studies, we continue to get a snapshot as to the health
24 of the lake to successfully have in terms of recreational
25 access and so on. In other words, if we repeat the studies,

1 we get periodic updates on the information. But there's
2 another value to repeating this studies, which is a
3 byproduct of it, which gives us a chance to assess the
4 performance of the operator of the project.

5 So, by having updates at 5-, 10-, 15-year
6 intervals, we expect not only to continually be informed as
7 to the health of the lake and so on, but we have a chance to
8 have a partial measurement as to the performance of the
9 licensee.

10 Now, in the studies that are identified in the
11 PAD, we basically counted that there were 35 of them. We
12 noted that only one of them is going to be here for a
13 duration of more than one year and that gives us a concern.
14 Part of the reasons why one does studies is to have data
15 that can be trended and can have data that can be projected
16 for future analyses and projections. Therefore, in our
17 written comments to you, we will identify studies in the PAD
18 that we think need to be repeated. And the intervals that
19 we would suggest. The purpose not to use one-time snapshot
20 data to make decisions, but to have a trend of the data in
21 order to both trend and make projections.

22 Now let's go further. Of the 35 studies that are
23 in the PAD, only 4 of them are marked for relicensing. Now
24 I want to make it clear we're not at all objecting to or
25 criticizing those four as being marked as relicensing. But

1 here is our point. Of the 35 studies that are identified,
2 we think that many more of them need to become relicensing
3 issues.

4 In principle, we could say that all the studies
5 that are done should be a relicensing issue, but we'll be
6 pragmatic. So, in our written comments to you, we will
7 identify those studies beyond the four that are already
8 identified as issues that we think should be contained in
9 the relicensing process.

10 Now, of the 35 studies that are identified, you
11 walk away with the impression that, wow, a lot of
12 information is going to be gained. But, when you look at
13 those studies more carefully, you find that a great number
14 of them are being derived from existing information. If you
15 look further, you'll find that a great number of those
16 studies are also parts of another study.

17 Now here's our point. The purpose of doing these
18 studies is to give us information that we don't already
19 have. So we defined that the study is to give us new
20 information. New is defined as information that we do not
21 already have. Two of the studies that are derived from
22 existing data are marked not to be done if existing data is
23 not available. We think that's an incorrect view. If a
24 study is important enough to be identified, and to go
25 through the process of having support for that study, then

1 the study needs to be conducted. And, if existing data
2 cannot be found, the study still has to be done.

3 Now, in the study there is a -- in the PAD there
4 are a significant number of studies that are identified as
5 "adequately addressed." Perhaps, it's only a coincidence,
6 but all of these studies that are identified as "adequately
7 addressed" relate to the Shoreline Management Plan.

8 Mr. Neudorfer has already talked to you about the
9 fact that we, the counties, still say that there are issues
10 within the Shoreline Management Plan that need to be
11 addressed, studies that need to be further defined, et
12 cetera. So we are asking, again, through the process of our
13 filing, for a technical conference so that we can close on
14 the 10 categories and the 29 items that we identified and
15 take them off the table as rapidly as possible.

16 Now, if Mr. Neudorfer has made his point
17 successfully to you, then you understand the level of
18 emphasis that we have in terms of what we see as our
19 responsibility to the 174,000 citizens that surround the
20 Smith Mountain Lake Project. So let's come up with four
21 kind of basic major points.

22 First, navigation aids, shore markers, these are
23 an item that must be studied. Navigation aids are a safety
24 issue. Navigation aids are a recreational issue.
25 Navigation aids are an economic issue. We want the study to

1 take place. We believe that Article 41 grants us the right
2 to ask for the study. We believe that in the identification
3 of the PAD at 4.2.5 it calls for the study. But we want the
4 study to go further. We want the study to identify the
5 maintenance costs and the ongoing update costs for
6 navigation aids in both lakes.

7 A second major point that you've touched, on not
8 only yesterday, but Mr. Neudorfer touched on is the issue of
9 debris. We believe that debris needs to be studied, but we
10 also feel that in the study of debris the economic impact of
11 the debris and the cost for containment, the cost for
12 removal, the cost for identifying sites and equipment -- all
13 of the costs for containment of debris and its removal have
14 to be part of this study. Of course, it's our position that
15 it's the responsibility of the licensee to remove the
16 debris, but that can yet be identified.

17 Now I want to take the last few minutes that I
18 have and talk to you about what is probably the most burning
19 issue to the counties that we represent. In the PAD
20 document there is statement that deals with the Shoreline
21 Management Plan and it deals with the fact that they're all
22 marked as "not an issue to be addressed." We feel very
23 strongly that those are issues to be addressed. We feel
24 very strongly that those are issues to be addressed. It is
25 our responsibility in governance. It is our responsibility

1 in representation of the people to address them.

2 Now my fourth comment deals with a statement. It
3 talks about in the PAD that continuous release versus
4 auto-cycle is marked as "will be evaluated." To us, the
5 term "will be evaluated" implies will be studied. No. 1, we
6 agree that continuous release versus auto-cycle should be
7 studied. However, if you look at 3.1, there is a statement
8 that APE or Appalachian intends to operate the project for
9 the next 40 years without any changes.

10 Now ask yourself a question. If you're not going
11 to make any changes, what are you going to look at or
12 evaluate continuous release versus auto-cycle? To be clear,
13 we think that issue should be studied. But, to go forward,
14 we think that there are other issues that are around that
15 that equally need to be studied. We're going into a
16 deregulation period of time. We think the study of
17 deregulation and the impact that they might have on the
18 operation needs to be studied.

19 Appalachian has joined an RTO. We believe the
20 effects of joining an RTO and the effects on the operation
21 of the project needs to be studied. Certainly, over the
22 next 40 years or so, there are going to be changes in the
23 industry. Some of those changes are already known. We
24 believe that those changes which are foreseen need to be
25 studied. And, again, answer the question what is the impact

1 on the project of these changes?

2 I thank you very much for your time. You've been
3 very gracious and we appreciate it very much. Thank you.

4 MR. CREAMER: Thank you, Mr. Johnson.

5 Ms. Berger?

6 MS. BERGER: Good morning. I'm Kate Berger and
7 I'm the supervisor from Pittsylvania County elected from the
8 Roanoke-Staunton District, the district in which you're
9 sitting right now, as a matter of fact and the district that
10 includes the area immediately surrounding Smith Mountain
11 Lake. I therefore also represent Pittsylvania County as a
12 member of the Tri-County Lake Commission and the Tri-County
13 Relicensing Committee.

14 The Tri-County Relicensing Committee submits that
15 there are studies not in the PAD that should be conducted.
16 Additional studies are needed to assure that the relicensing
17 conditions are shaped to reflect community development
18 needs. The communities around Smith Mountain Lake are
19 growing. The communities have the tasks of planning for
20 this growth. Local government plans have been developed to
21 address the needs of the growing population for housing,
22 infrastructure, water supply and other developments and to
23 assure that the development that occurs is appropriate and
24 responsibly implemented.

25 License conditions for Smith Mountain Lake

1 Project should be shaped to reflect the changing needs and
2 new development and to assure that their operation of the
3 project during the term of the new license is consistent
4 with local government plans.

5 Today I'm going to highlight some of the new
6 studies the three counties agree are important and should be
7 conducted. We will expand on these as well as other in our
8 written comments to you. These studies are presented in
9 order of appearance in the scoping document. We are asking
10 for a study that measures the effect, if any, if the pump
11 back design of the project has on the lake, including water
12 quality, water temperature and an assessment of possible
13 adverse impact on fish.

14 One example or reason for this is the Peak River,
15 which is designated by the EEQ as a polluted river in
16 Virginia enters the project below the dam. Water from this
17 river is pumped back into Smith Mountain Lake. We would
18 like to know if there's an adverse pollution effect and, if
19 so, how serious it is. We strongly advocate that the 16-
20 year old history of water quality, data gathering and
21 analysis as conducted by the Smith Mountain Association
22 should be maintained and improved at the licensee's expense.

23 We request that a study of the proposed total
24 maximum daily load mitigation strategies as recommended in
25 the EPA guidelines be conducted so that remediation

1 techniques can be implemented within the project.

2 The counties No. 1 priority for studies is water
3 allocation and the effect of the project's operation on
4 existing and any proposed future withdrawals by other
5 communities in the project area and along the Staunton-
6 Roanoke River. We are asking for study of the long-term
7 water needs from the project for surrounding communities as
8 well as a study of possible requests for inner basin
9 transfers and the impact of granting such on the project and
10 the balance of other water qualities. This study would
11 involve updating the Roanoke Valley Allegheny Regional
12 Commission long-range water study and other studies and then
13 projecting them through the life of the license. The
14 counties will be developing water supply plans as required
15 by the State of Virginia in 2005-2006 and these plans also
16 should be reflected in the study.

17 The scoping document states that neither Smith
18 Mountain Dam nor Leesville Dam was designed for flood
19 control. However, we believe the operation of the project
20 directly effects drought management in the Roanoke River
21 Basin and we're requesting a study of this issue. We are
22 also asking to participate in flood and drought control
23 management and to be knowledgeable of and to participate in
24 any agreement that take place.

25 A study on invasive aquatic vegetation and

1 non-vegetative invasive species needs to be done. This
2 study should include a survey of both reservoirs and propose
3 a ongoing process of evaluation, treatment and preventive
4 strategies. Adequacy of existing public access, boating
5 opportunities and recreation use of both lakes, effects of
6 release on downstream recreation and public safety are all
7 important to us. However, public safety needs to address
8 our concerns for the maintenance and installation of
9 navigation aids, shoal and buoy markers. We are requesting
10 that the licensee make a study and develop a plan for both
11 maintaining and installing new navigation aids over the life
12 of the license. We support a study on effectiveness and
13 governance procedures for the Shoreline Management Plan.

14 The three counties that I represent very much
15 agree that this study must be done. We request the
16 preparation of a study by AEP done in coordination with the
17 Committee and other members of the Committee to work out a
18 system that recognizes the counties policies and plans and
19 permits more local decision-making while still protecting
20 whatever interest AEP requires in maintaining its
21 operations.

22 We have concerns with the Shoreline Management
23 Plan and one of these concerns is the issue of setting
24 measurement standards for the operation of the project so
25 that periodic assessments can be made of the performance of

1 the licensee. We request a study to assess the performance
2 of the licensee that would include specific assessment of
3 the performance since the filing of the proposed Shoreline
4 Management Plan.

5 We are also concerned about the cost associated
6 with implementation and monitoring of the Shoreline
7 Management Plan. We are concerned that the alliance of AEP
8 with an RTO will result in changes in the price of
9 electricity, changes in water fluctuation levels and in the
10 release rates of water downstream. Therefore, we call for a
11 study that details the implications and the effects of AEP
12 RTO association and other changes in AEP's mode of operation
13 of the project that may have an adverse effect on the
14 communities around the lake.

15 I'm sorry. Did one of you get my last page? I'm
16 missing it.

17 (Pause.)

18 MS. BERGER: I apologize.

19 The economic future of the three counties is very
20 much dependent on the management of the two lakes and the
21 interrelationship of all the variables we are discussing
22 here today. I would like to take this opportunity to
23 summarize some of the major areas where the counties feel
24 studies are imperative.

25 One, erosion, sedimentation and dredging of

1 accumulated sedimentation; two, aquatic vegetation and
2 non-vegetative invasive species; three, sources of debris
3 and its removal; four, water quality; five, water
4 allocation; six, water level fluctuation and water release
5 protocol; seven, recreational access and safety; eight,
6 economic impacts of the Shoreline Management Plan and its
7 operation of the project; nine, governance issues.

8 The Tri-County Relicensing Committee respectively
9 request that the counties be involved in the development of
10 specifics of the studies. I thank you for your time and
11 your attention.

12 MR. CREAMER: Thank you.

13 Charles Poindexter.

14 MR. POINDEXTER: Good morning. I'm sorry the
15 temperature turned on you, but you'll be back to Washington
16 very soon and feel quite comfortable.

17 I'm Charles Poindexter an elected official from
18 Franklin County. I represent the area of Smith Mountain
19 Lake between the Fig River and the Blackwater on Route 40
20 here. I'm also on the Tri-County Commission, a committee
21 set up to address the relicense process. And I might add
22 I'm probably one of the few people in this room that was in
23 high school when this project was approved. Part of my home
24 farm was acquired through that acquisition and I watched the
25 development and actually worked on some of the construction.

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I'm a lake resident and I've seen this project from the beginning to the end. As Clint Eastwood said "the good, the bad, the ugly." I won't put it that way. There have been many positive aspects to this project. There have been some negative ones. And I would probably say the ugly is probably the aesthetics, but that's in the eye of the beholder.

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I appreciate the opportunity to talk with you this morning. My general theme will be the Shoreline Management Plan. I was partially the linkage to the relicensing process in which we're going through with here at this time. I'll be bringing a few general comments right up front and then some specifics on the plan and that linkage in itself.

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Previous speakers have talked about our request for a technical conference and we believe that many of the issues that we expressed in our filings initially as intervenors and comments on the Shoreline Management Plan initially as well as what we say here today and in March will show that linkage with the Shoreline Management Plan.

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You said to be frank, which I'll start with my frank note on one point. The Shoreline Management Plan is an AEP plan. It is not an agreed upon plan. It was prepared in a most professional way. The participants were

1 professional and AEP being a good corporate citizen in our
2 area did a good job there that. But, clearly, there was
3 disagreement on the Shoreline Management Plan.

4 Getting personal about that, I participated in
5 that and I sort of felt outweighed that in the fact that I
6 was representing a lot of people and other representatives
7 were, too. But the influence of our government resource
8 agencies was sort like it was pre-determined that this plan
9 would say certain things and be a certain way. But we had a
10 lot of give and take to everybody's credit. But, when we
11 got up to a certain point, it was like that's where it's
12 going to be and local government and as representatives of
13 people, we feel that there's some more give and take that
14 needs to be done there.

15 The second general comment I'll make is I
16 understand FERC has had some complaints since the Shoreline
17 Management Plan was put into effect and perhaps you've had
18 to step in to deal with some of those. That raises two
19 issues for us. The first issue is, is the plan okay since
20 there are issues with it this early? And two, what kind of
21 methods do we use to find out where the problem is? I don't
22 know the answers to that, but we think with a technical
23 conference we can address some of those issues, take them
24 off the table and perhaps that would help that situation.

25 Thirdly, we seek recognition that the items that

1 we are going to address are appropriate for a local
2 government. For example, the relationship of a
3 comprehensive plan for shoreline management and the
4 classifications therein. All three counties are under a
5 state directive to update our comprehensive plans. We're
6 all three doing it right now. That's an expensive process.
7 It takes a year or two to do. Until that's done, we don't
8 know how you can marry the classifications in the Shoreline
9 Management Plan. So we're asking you to defer approval of
10 this initial Shoreline Management Plan until we have our
11 comprehensive plans lined up and try to merge them. They're
12 part and parcel to this same thing.

13 As with regard to a final Shoreline Management
14 Plan, how can we have one until all the studies and the
15 analyses done for the relicense and the results of those
16 then portrayed and placed into the Shoreline Management
17 Plan?

18 As I said, I've been around on this lake for a
19 long time. There have been a lot of socioeconomic impacts.
20 Clearly, those impacts are a topic for study. Now you know
21 from your experience you probably have several local
22 governments on a project like this involved. I'm going to
23 say to you that these three governments in these three
24 counties are very close. We were neighbors before this
25 project was built. And, when the bridges were removed, then

1 we weren't so much neighbors. But our history goes all the
2 way back to the '70s when we first started implementing
3 zoning and all that type of thing in this rural area in this
4 part of Virginia.

5 Back to the TRC was just the second, our
6 committee will be here for the duration. As the previous
7 speakers have said, this structure should last.

8 And I think my final general point to you we know
9 this is a new process. You want it work. We want it to
10 work. AEP wants it to work. We want to work with you to
11 make it work. We think it's a win/win/win situation and
12 we'd like to sit down and go through these items through a
13 technical conference or whatever procedures you have to do
14 that to take as many items off as we can.

15 Now let me get specific on the Shoreline
16 Management Plan and some of the linkage between the plan and
17 the relicense. I'm going to start with sedimentation and
18 siltation or stabilization of shoreline and sedimentation.
19 The upper reaches of the major arms of this lake as well as
20 the coast and tributaries leading into them have silted in,
21 sedimented in considerably.

22 This is a photograph. I'm going to leave the
23 photo album with you. The very upper reaches of the
24 Blackwater I put a boat in at that dock. It's now all
25 sedimented in down about a mile and a half in the upper

1 Blackwater. I don't know what the distances are in Roanoke
2 County. I'm using that as an example.

3 I've actually lost a boat and water skis upstream
4 from that sedimentation. Now that sedimentation is stopped
5 a couple miles down the lake at a horseshoe turn in that
6 lake. There's another horseshoe turn about 3 miles down.
7 And, at that turn in the lake, there's a 10 or \$20 million
8 investment in the 4-H Center. This photograph, right down
9 at the end, you'll see an open field. That's the 4-H
10 Center. This sediment is coming down to this place. That's
11 what's happened in the past.

12 Now, under another 40 years, I can speculate
13 because I can see the boat coming down the river, that that
14 facility is in danger. Where it stops I don't know. I have
15 one photograph in Leesville which show debris and then I
16 have another bunch of photographs I'd like to leave with you
17 here. This is a typical cove in the winter. Smith Mountain
18 Lake with debris. This, after a rain storm, there's
19 floating logs in the main part of the channel. And my point
20 to you that this a safety hazard. It must be removed. I
21 know there are agencies and individuals who feel that debris
22 removing is not appropriate, but floating debris simply, in
23 our minds, must be removed.

24 Now, contrary to the views of many, dredging
25 needs to be done on this lake. Any hydro project that would

1 start today or was operated today -- and there are many in
2 the country that would dredge -- they're nothing but a silk
3 trap in that sense. So we're requesting a study of the best
4 management practices of dredging and the identification in
5 that study of the techniques that would appropriate in this
6 specific impoundment. We already have a sedimentation study
7 identified. What we're looking for is to identify the
8 extent and filling in of the lake and the movement of the
9 800 contour.

10 Let me address that 800 contour for just a
11 second. We've lost 5, 10, 15 feet of shoreline around this
12 lake. It's 360,720,440 acres, whatever. You can do the
13 math. That's a lot of land that has been lost. And in many
14 cases, the result of that is that above 800 land is
15 unusable. So we're looking for some mitigation as well as
16 preventive measures.

17 Now, during the Shoreline Management Plan
18 meetings, the issues of lake care came up. Other speakers
19 have addressed them. It's a very invasive to vegetation and
20 species, navigation systems, water quality monitoring and
21 water level management. Those are probably already on your
22 agenda, but clearly in the Shoreline Management Plan meeting
23 they were taken off the table at that point. This is the
24 point where we ask you to put them on the table and in the
25 process.

1 As I did some math, I found that there was about
2 35 miles of shoreline that had been taken off of use of the
3 landowners in the conservation and the IMZ classifications.
4 And, if you add the coast to that in the amount of
5 siltation, a considerable impact has been made on private
6 landowners. It's a matter of good governance to address
7 that problem in a reasonable way. I'm not going to suggest
8 to you how to do it. That's FERC's business. But, clearly,
9 as a matter of good governance, that needs to be done.

10 We still feel that there are map inaccuracies and
11 some modifications that need to be done to the
12 classifications. And we don't think that -- that needs to
13 come to FERC or at least some level of that. AEP should be
14 permitted, we believe, to do some of the reasonable
15 corrections and adjustments in the classifications.

16 Again, a socioeconomic study must be done. Our
17 local government has to provide emergency services and roads
18 and libraries and waste management and on and on and on.
19 This area is growing, not just on the lake, but all over.
20 So the impact of the Shoreline Management Plan simply must
21 be addressed in a study.

22 One of the items of good governance is to have a
23 harmonious community and one of the impacts of this project
24 has been in many cases a non-harmonious community. We need
25 to work on that problem. Vegetative tolerance on us

1 onerous. It's a one size fit all shoe. We don't think
2 everyone wears the same size shoes. There are many best
3 management practices available and the best one for that
4 particular site, so long as it's worked out with state
5 agencies and local governments, should be the way that's
6 handled in the Shoreline Management Plan.

7 Now let me address buffers for just a moment and
8 erosion control. They're a great thing. I've lived on salt
9 water, for example, with buffers and I know what happened.
10 We had so many ducks and muskrats and so forth we had to
11 close these streams down because we couldn't assess the
12 shellfish. There was a health danger. And, indeed, in the
13 TMDL in Franklin County, the wildlife would contribute to
14 the e-coli count, which would raise it above the level
15 acceptable to the DEQ.

16 So, if we build too many buffers, then we'd have
17 nothing but vegetation around the end. There is a set of
18 effects there to the water quality as well as damage to
19 structures and inconvenience -- not just inconvenience but
20 excrement and disease and damage to structures and the
21 damage of vegetation. I can show you hundreds of stumps
22 where beavers have eaten off. So requiring buffers is a
23 good idea. We just need to use some balance and to do
24 something with that.

25 And you'll note, if you go around Smith Mountain

1 Lake, in many places there is grass to the shoreline. A
2 neighbor of mine hasn't built on his home place yet. And,
3 when he does, he can't have grass to the shoreline. There's
4 got to be some fair governance in the application of the
5 vegetation covered around this lake.

6 Now any regulating document is subject to
7 interpretation. We're requesting of FERC to provide a
8 dispute resolution process as a condition of this relicense.
9 A dispute resolution process is just good governance.
10 Private citizens need a way to appeal. It's not fair to us
11 who has the absolute authority to establish capacities in
12 boating densities. Clearly, local governments and local
13 citizens should have a voice in that. As it is, we question
14 the methodology in the Shoreline Management Plan.

15 The next point is that there must be some time
16 lines established for the permitting and dispute resolution.
17 One can't just draw these processes on forever.

18 My next point would deal with property transfers.
19 When a piece of real estate is sold, it only makes sense to
20 guarantee that the license will adopt -- guarantee in the
21 license that the license will not be transferred with the
22 property.

23 Public access -- I'll use the example of the
24 western side of the Blackwater River. There's not a single
25 public access from the upper end of the lake down to the pin

1 hook, which is on the very end of that part of the lake.
2 There was one at the upper end, but it's been sedimented in.
3 That means five-sevenths of the people of Franklin County
4 don't feel that they have a voice in the lake and that leads
5 us to a socioeconomic issue.

6 That means five-sevenths don't really have a
7 convenient access. They have to go around and down or go
8 way down or whatever the situation. So I ask you to address
9 public access in the relicense process. There are many
10 cases where people don't live in subdivision on this lake
11 and they should be permitted to have a private ramp for
12 their access to the lake.

13 That's another problem in there. Mobile home
14 courts are some of the dense developments on this lake.
15 Some of them are older. Some of them are well maintained.
16 They're classified as low density. That makes no sense to
17 us. They're some of the highest density use on the lake.

18 And the final point I'll make deals with the
19 vegetation and the fishery. This project developed an
20 excellent fishery without any vegetation on the shoreline.
21 I was here. I saw it. The vegetation was stripped from 15
22 to 100 feet around the shoreline, yet we developed a good
23 fishery.

24 And today, yes, the debris and the attached
25 debris to the shoreline does provide a good environment.

1 But the fishermen fish the docks. I step out on my porch
2 and see it. They fish a little bit in the trees and then
3 they'll go over to the docks and they'll catch their fish.
4 So I think our position would be that all debris not
5 attached to the shoreline should be removable.

6 I thank you for your attention. I hope I didn't
7 go to long. If there are any questions I could answer, I'd
8 be happy to do that. Thank you for coming.

9 MR. CREAMER: Thank you.

10 We'll take a couple minute break.

11 (Recess.)

12 MR. SIMMS: First of all, the reason we took the
13 break is there are a lot of cables over here. And because
14 of having the recorder, having the microphone and everything
15 else. So I would just ask, when you walk up here to make
16 any presentations or whatever, be very careful and watch
17 where you're walking. We tried to tape it down the best we
18 can so that it will be safe for everyone. I know there's
19 lawyers in the audience.

20 (Laughter.)

21 MR. SIMMS: Secondly, we heard from some of the
22 people in the back that they're having problems hearing some
23 of the people that are presenting. We're having problems
24 with the microphone. There's some feedback on it. That's
25 why we've not had it turned on. So I would ask that when

1 you come up here to speak, either speak loudly from the
2 lectern there or if you could, move farther up here if you
3 want to have your voice carry out farther.

4 Again, it kind of goes converse without saying
5 this, we don't want you to trip either. But just please be
6 considerate of the people in the back. If the people in the
7 back cannot hear somebody that is speaking at any time, just
8 please raise your hand so they can see that and they can
9 make some adjustments.

10 MR. CREAMER: The other thing is there is still a
11 few seats closer up. So, if you can't hear, feel free to
12 move a little bit closer.

13 Okay. We're going to get back into the
14 presentations. Robert Camicia? Okay. Bill Brush, we'll
15 start with you then.

16 MR. BRUSH: Tell me if you can hear me. I
17 usually talk pretty loud, so you should be able to hear in
18 the back of the room.

19 My name is Bill Brush. I'm a resident of
20 Franklin County and I'm on the Board of Directors of the
21 Smith Mountain Lake Association. I chair the Relicensing
22 Committee for that Lake Association and the Water
23 Conservation Alliance.

24 I first wanted to introduce the Smith Mountain
25 Lake Association to those that don't know who we are and the

1 best way to do that is read really our mission statement.

2 "SMLA will represent its members on issues that
3 effect Smith Mountain Lake and the watershed. Members
4 interests will be advocated throughout the watershed and the
5 Commonwealth using education and information as the main
6 influence constructive outcome."

7 So please take our comments today as
8 constructive. They're not meant to be destructive and we
9 want to participate in this process. We thank the FERC. We
10 thank AEP for allowing this process to be so open and I also
11 want to acknowledge the counties -- the three counties, the
12 TCRC. I think they've done an excellent job of pulling
13 issues together and putting those things forward for the
14 citizens of the county.

15 During relicensing, I think you'll always see the
16 Smith Mountain Lake Association come down on the side of
17 solutions that benefit the lake and the watershed. Okay.
18 That's where we come from and we like to see that done based
19 upon sound science. We have the support of 1400 families in
20 our association and we have hours and hours of volunteer
21 work that has been dedicated to the lake. Stan will address
22 that a little bit more and so will Bob Camicia.

23 We've identified several areas of interest and
24 concern for which we believe the licensee is responsible or
25 at least shares responsibility for. And I'll just read

1 these general areas. We're interested in lake level and
2 stream flow management. We're interested in water quality.
3 We're interested in sedimentation, shoreline stabilization,
4 invasive weed control, the fisheries at the lake and in the
5 rivers, wetland preservation, navigation, public access and
6 lake recreation, Shoreline Management Plan enforcement and
7 debris removal.

8 These things are going to be pretty common today
9 when you hear from people on the lake and think you'll see
10 that our positions are pretty consistent with where our
11 counties have come from. We're going to only highlight
12 three of these areas this afternoon, or this morning, but we
13 will constructive provide comments to the FERC before the
14 1st of March on all of these areas as we see them described
15 in the PAD and the scoping document.

16 The issue that I want to address right now is
17 stream flow and water level management. We see this as a
18 problem because right now we know that the current protocol
19 does not work well during drought -- during low stream
20 flows. It's inadequate and you can see it because we have
21 to go variances when we go there. We have a lot of
22 knowledge in this area -- more than we did in 1960 when we
23 formed it and I think we can use better methods of judgment
24 to do this.

25 Right now we have an ad hoc approach where we get

1 stakeholders together and we discuss what's going to happen
2 -- whether or not we go to a variance or not. Now rather
3 than this ad hoc approach, we need to have a balanced flow
4 regime. Something that's agreed upon that's done using
5 sound scientific knowledge during the study of this
6 relicensing.

7 It's not fair to downstream interest or even lake
8 interest to just ad hoc decide that we're going to change
9 the flow protocol and not notify the Corps of Engineers,
10 Kerr Lake or anything else. It's good science in the basin.
11 So we're hoping to see a study that addresses that and we
12 come up with a good protocol or a regime that can be
13 followed during these conditions.

14 We've been involved in this since 2001 when we
15 formed the Water Conversation Alliance during the five-year
16 drought project. What we've done is we've developed a
17 biometrics analysis of the project. We've used historic
18 data from USGS stream flow and we tried to study the
19 behavior of various different protocol using this approach.
20 This is data we'll be providing to the FERC and AEP that may
21 be helpful during the relicensing process.

22 Our approach has been endorsed by most of the
23 lake organizations. The three counties bordering the lake
24 have endorsed it. We've briefed the Army Corps of Engineers
25 on this and we've also briefed the Roanoke River Basin

1 Advisory Commission with positive feedback results.

2 Now I'm going to speak briefly just on one issue
3 here. You know, during this we must also consider the
4 regional economic growth and the demands that are going be
5 placed on this lake for drinking water in any protocol.
6 That's important. It's important to our economic health.
7 We need to also, during this study, determine what safe lake
8 levels really are. If you read the documents that have been
9 put out, it implies that a safe lake level is 787 feet.
10 Well, that's folklore. That's treetops. That's not
11 something -- we know better than that. We know where are
12 navigation markers sit. We know where our shoals exists and
13 it's not safe at night or during the day with lakes at point
14 in time. It affects our fire boats and our rescue squads
15 and those things need to be considered in terms of the
16 protocol.

17 This new protocol, or whatever we come up as this
18 relicensing goes on, needs to consider not just inflows to
19 the projects and project levels, but it also needs to
20 consider the downstream flows and all the permit
21 requirements that are down there and the impact of auto-
22 cycling versus continuous release. Hopefully, we can come
23 up with something. We've come close. We don't have
24 agreement on our approach with all the stakeholders, but we
25 do know what their needs are and what their expectations are

1 and they need to be considered in this minimum stream flow
2 study.

3 I think one of the objectives that the Smith
4 Mountain Lake Association looks at here is whatever approach
5 we come with to the final flow regime it needs to approach
6 natural conditions. It needs to come close to that. We
7 can't represent what it was like 100 years ago, but we can
8 certainly do a better job of calculating how much water to
9 release and when to release it based upon historical
10 conditions. And I think if we can do that I think that's a
11 good thing for the watershed and we need to look at it from
12 that perspective.

13 Then, I believe, even though the current flow
14 protocol in the license -- we think it's inadequate -- there
15 is a provision in the license right now to allow for
16 variances. And, when conditions permit, we ought to be
17 testing the protocol during this relicensing process. Maybe
18 it's a study or a demonstration or whatever. But there's
19 certainly opportunity over the next four years of this
20 effort to evaluate the performance of this and tweak a good
21 protocol.

22 Thank you for allowing me to address the FERC and
23 AEP. Our next guy would be, Bob Camicia.

24 MR. CAMICIA: My name is Bob Camicia. For
25 purposes of the first part of this talk, I'm going to be

1 representing the Smith Mountain Lake Association where I'm
2 the vice president and chairman of the Debris Committee and
3 also representing TLAC, the Dry County Lake Administrative
4 Commission as the chairman of the Environmental Committee
5 there. I'll make some other comments later representing
6 another organization.

7 In mid-2004, SMLA polled its 1400 members about
8 what were the most interesting and important projects that
9 were going on and asked those members to prioritize those
10 projects. There were a total 24 different issues or
11 projects that were being addresses and of those 24 issues
12 the No. 2 issue was debris containment. Now I would have
13 expected that if it had been done right after a big storm or
14 something else, but this was purposely done in the middle of
15 the summer long after all the debris and everything else had
16 floated away, if you will, or had been taken out of the
17 lake. So this is a very important issue to our membership
18 around the lake.

19 The studies that are currently outlined in the
20 PAD under 3.2(b)(4) -- well, that's where the study is. But
21 the debris removal that's currently being done that it
22 refers to is being done, of course, through efforts by AEP,
23 a volunteer organization called "Take Pride in Smith
24 Mountain Lake" in the spring and AEP also participates in
25 that. And then by private contractors that are hired by

1 TLAC when the need arises.

2 From May of last year until the end of the year,
3 over 1200 tons of trash and debris were taken out of the
4 lake. This is just Smith Mountain Lake, not Leesville --
5 1200 tons in those eight months. Over 900 of that was
6 collected by two contractors from AEP after the hurricane
7 went through last September. And that, of course, is a bit
8 unusual, but we do have big storms periodically.

9 Most of the material was natural vegetative
10 material that was taken out. However, if you also looked at
11 it, we had a wide assortment of barrels, plastic jugs,
12 tires, styrofoam, other human litter that came from outside
13 of the boundaries of the project. In fact, there were over
14 600 tires taken out of the lake. We realize that a certain
15 amount of the natural vegetative material is good for the
16 fishery. And being a fisherman most of us appreciate that.
17 But the current amounts that we are getting into the lake
18 and that are deposited on the shores of the lake are way
19 beyond the needs that we need for that. So it's an issue
20 that needs to be address.

21 There was a major storm in 2004, but in normal
22 times, normal rains, we will get the upper half of the
23 Roanoke arm of the lake and the upper half of the Blackwater
24 arm of the lake essentially shut down to safe boating for a
25 week, two weeks, three weeks and sometimes a month on end.

1 And, of course, it's good business for the marines because
2 they make lots of money repairing lower units of anybody
3 that does venture out into that. So it is truly a safety
4 issue that leaves an unsightly mess and we have to deal with
5 it.

6 AEP I'd like to say has been very responsive in
7 helping with this project to keep the trash out of the lake,
8 utilizing the equipment they have. But, as time moves
9 forward, we see that that equipment is not going to be as
10 available to the upper lake because it's now being used on
11 both the upper lake of Smith Mountain and Leesville. Where
12 it used to -- it was mostly all used at Smith Mountain Lake
13 and we expect there's going to be more and more of a
14 problem.

15 The study that's proposed in the PAD says that
16 the study will consider and I quote "the current methods for
17 removing materials from the surface of the lakes as well as
18 investigate types of materials removed and the need for
19 continued such activities." Well, we feel very strongly
20 that there's a need for continued activities. We also feel
21 very strongly that we need to look at not chasing debris all
22 over the lake and shutting the lake down for weeks or months
23 on end. But that we need to look at some containment
24 systems that are being utilized in other areas to
25 essentially contain trash and debris as it comes into the

1 lake. The major sources of the debris coming into the lake,
2 not just trash, but debris -- logs, everything in the world
3 is on the Roanoke and Blackwater Rivers. That's where the
4 bulk of it comes from.

5 There are lakes such as Slab Creek Reservoir in
6 California that utilize boom systems to control this. Boom
7 systems are also utilized in many harbors to keep the
8 rivers, if you will, sending trash out into the harbors and
9 choking them. And so we are asking specifically in the
10 study that is done that it be expanded to include three
11 things -- the study of the feasibility and the cost of
12 utilizing debris booms on the Upper Blackwater and Roanoke
13 Rivers, a study to determine if small boom systems can be
14 provided to the cities upstream that send us all of these
15 styrofoam and jugs and all that sort of stuff. If they can
16 utilize that on their smaller creeks and their areas there,
17 that will prevent that from coming down into the lake.

18 And last, we would like the study to look at
19 utilizing Niagara Dam, which is also a FERC project about 3
20 or 4 miles up above Smith Mountain Lake on the Roanoke
21 River, utilizing it as a catch basin to catch not only the
22 trash but also the natural debris that accumulates there
23 before it comes down into the Smith Mountain Lake Reservoir.
24 In fact, it does it naturally in low water times. The trash
25 accumulates behind the dam. But the dam is built such that

1 when the water comes up it just burps it over, if you will,
2 and we have massive amounts of debris being burped out into
3 the lake itself. So that would be one way of cutting down a
4 lot of the debris.

5 We've looked at some of these things. We'd be
6 happy to provide any information or participate in any way
7 that we can in the studies that we request be done. So we
8 thank you for allowing input on that.

9 And, if you don't mind, I'd like to just continue
10 and change my hat a bit. My hat this time would be as a
11 member of the Board of Directors and the chairman of the
12 Lakes and Streams Committee of the Upper Roanoke River
13 Roundtable.

14 The issue we'd like to address there is the
15 existing public access to the lake. The PAD and SD
16 recognize the need to study the adequacy of the public
17 access of recreational facilities. But it's not clear from
18 the information in the PAD how the study would be framed.
19 When framing the specific areas, we would like to point out
20 that there is virtually no public access on the Roanoke arm
21 from the Hardy Bridge to about 10 miles downstream -- none
22 whatsoever.

23 And, if you look at the Blackwater, Mr.
24 Poindexter in his talk -- that issue on the Blackwater side.
25 The Upper Roanoke River Roundtable would like to request

1 that the study not only look at access for anglers and
2 boaters, but also for hiking, bicycling, bird-watching and
3 any other forms of recreation that will enhance the area's
4 reputation as an environmental friendly lake to come to. So
5 we hope that you'll take this into consideration and also
6 look at the needs for parking, restrooms, et cetera --
7 docks, fishing piers and any other items that may be needed.

8 Thank you very much for allowing me to comment.

9 MR. CREAMER: Thank you.

10 Stan Smith?

11 MR. SMITH: Good morning. My name is Stan Smith
12 and I also come before you this morning wearing two hats.

13 First, I'd like to comment on the water quality
14 aspects of both the PAD and the scoping document for the
15 Smith Mountain Lake Association as a long-time director of
16 the board and chairman of its Lake Committee. And then I
17 wish to suggest issues relating the navigation aids and
18 invasive aquatic vegetation on the lake from my role as TLAC
19 as vice president and chair of the Navigational Aids
20 Committee.

21 Let's start with water quality. Water quality
22 within the project boundaries deserves more prominence than
23 simply as various non-related topics in the PAD and scoping
24 document. It's a theme that needs to run throughout the
25 licensing process. There cannot be full recreational use of

1 the lake nor an effective fishery without the appropriate
2 water quality. Wetlands, aquatic vegetation, shoreline
3 stabilization and debris management are all irretrievably
4 linked to water quality. Wherever we see the phrase
5 "protect and enhance environmental resources" in the
6 license, PAD or scoping document, it can and should be
7 translated to protect and enhance the water quality.

8 The PAD acknowledges a need for additional water
9 quality studies related to debris removal and aquatic
10 vegetation, sedimentation and dissolved oxygen levels and
11 continuation of the water quality and monitoring. The FERC
12 proposed environmental assessments suggest expansion of the
13 scope of several of these studies. The Smith Mountain Lake
14 Association not only endorses all the original AEP proposals
15 and the scope expansions proposed in the scoping document,
16 but also, and more importantly, we wish to draw attention to
17 the contribution we can make to these study efforts and
18 suggest even further expansion of the studies.

19 Smith Mountain Lake Association has been managing
20 a water quality monitoring in cooperation with the academic
21 and professional staff and the environmental program
22 students of Farin College since 1987. We track the trophic
23 status of the lake using four parameters -- phosphorus,
24 nitrates, chlorophyll and water clarity in 78 sampling
25 sites on the lake and its tributaries. In addition, we

1 monitor bacteria levels, e-coli, at 14 additional sites.

2 All of this data collected over the past 18 years
3 is available to AEP for its studies. Smith Mountain Lake
4 Association has also been working for more than two years on
5 possible expansions of the water quality monitoring program
6 that should be of interest. The program expansions that
7 have been studied include additional measurements of
8 dissolved oxygen, a sedimentation study and creation of a
9 computer hydraulic model of the lake. The Virginia DEQ has
10 recently given the Lake Association a grant to purchase
11 equipment and pay for more student time to take additional
12 dissolved oxygen measures each season.

13 A proposed sedimentation study has a dual ability
14 of tracking the introduction of nutrients into the lake,
15 through the flow of sediment, as well as the impact sediment
16 has on the depth of the lake. We also wish to document the
17 level of other contaminants in the lake sediment -- heavy
18 metals and PCBs, for example, through core sampling. We
19 have a basic work plan and rough cost estimates for such a
20 study.

21 The second expansion of the water quality
22 monitoring program considered by the Lake Association
23 proposes the creation of a computer hydraulics model of the
24 land. Unfortunately, we have no funding for either one of
25 these expansions of the water quality monitoring program.

1 In summary, we want to see the scope of these
2 studies proposed by both AEP and FERC expanded even more to
3 explore all possible overt actions that can prevent the
4 premature aging of the lake. Given the level of commitment
5 and expertise demonstrated by the years of study of the
6 tropic status and general health of the lake, it is our wish
7 to be included as a party to any and all water quality
8 studies that are finally deemed necessary for the
9 relicensing process.

10 The Lake Association particularly wants to be a
11 participant in framing of the plan for each of the studies.
12 We are willing to serve either in an advisory role or
13 directly in the management of these studies.

14 Now I'll put on my TLAC hat. AEP many years ago
15 turned over the responsibility for the management of the
16 navigation aid system on the lake and other related funding
17 to the three adjoining counties through an organization
18 originally called the Policy Advisory Board -- now named the
19 Tri-County Lake Administrative Commission. PAB and then
20 TLAC and expanded the system, converted a minimum number of
21 lighted markers to solar powered markers throughout the
22 system and have maintained the system over the years.

23 TLAC welcomes the proposed environmental study of
24 the effectiveness of the existing public safety program. We
25 believe public safety can and should be enhanced by

1 additional markers. We are open to all suggestions on
2 improving the system's effectiveness as well as new options
3 for the funding and maintenance and expansion of the system.
4 We also draw your attention to the master plan for
5 improvements to the system we've developed which may
6 contribute to the study for the environmental assessment.

7 In addition, TLAC has assumed responsibility from
8 controlling invasive aquatic growth in the lake. We've
9 managed a survey of the extent of this growth in the lake
10 for the past three years and have contracted for the
11 application of herbicide for the control, as necessary and
12 as funding has permitted. TLAC would like to either serve
13 either in an advisory role or as project manager for the
14 vegetation survey proposed in both the PAD and scoping
15 document.

16 That concludes my written comments. But, in
17 light of what we've heard this morning and it's obviously
18 still to come, I'd like to add just three more sentences.
19 Everyone is suggesting that AEP do a lot more to protect the
20 health of the lake. And I, too, want to join that group in
21 saying I think AEP can do much more than it has in the past
22 to help the health of the lake. But I need to draw your
23 attention to the fact that there are other stakeholders to
24 the lake and to the future of the lake. Those stakeholders
25 involve the residents of the lake, the businesses, the

1 tourists to the lake, the three counties that draw revenue
2 from the lake through all sorts of taxes. All of these
3 parties have a responsibility to the future of the lake and
4 all should contribute to all of the things that need to be
5 done to protect the health of the lake.

6 I would just like to add that, for me, from a
7 personal position, I think the most important thing that can
8 come out of the relicensing effort is a reiteration and
9 definition of the responsibilities each of these
10 stakeholders has for the future of the lake. Thank you very
11 much.

12 MR. CREAMER: Thank you.

13 Lynn Barnes?

14 MR. BARNES: Thank you, Allan. My name is
15 Lindsey Barnes. I reside at 202 Retreat Lane in Puddleston.
16 I'm here today representing the Concerned Citizens for
17 Cratic Creek and Smith Mountain Lake. The Cratic Creek
18 area, as many of you might now is in Bedford County and
19 located across approximately 5 miles west/northwest of the
20 Smith Mountain Dam and until very recently consisted
21 entirely of residential development.

22 The Concern Citizens of Cratic Creek is a
23 citizens group of approximately 350 residents and property
24 owners who organized in September of 2003 to initially
25 protect Cratic Creek shoreline from a single developer who

1 had received approval from Bedford County to construct three
2 unsightly and quasi-commercial seven-story buildings
3 adjacent to the shoreline. This same developer, and in the
4 same timeframe, had filed applications with AEP for
5 construction of approximately 15 covered boat docks and over
6 360 boat slips of which two boat docks were planned to be
7 270-feet long.

8 These applications were filed approximately 45
9 days prior to AEP's submittal of the Shoreline Management
10 Plan and, if approved, would have permitted a total of 25 or
11 more covered docks and 605 boat slips on approximately three
12 quarters of a mile of shoreline. The current status of
13 these applications or revised applications is unknown.

14 The Concerned Citizens wish to thank the people
15 of FERC for establishing and maintaining a very public
16 process regarding its licensing, relicensing and even the
17 day-by-day oversight of its project, including the
18 integrated licensing process. We have found FERC to be
19 timely and responsive to our filings.

20 We wish to thank AEP for the very open and
21 participative process involving all stakeholders which
22 produced the long overdue, yet very viable Shoreline
23 Management Plan. We also wish to thank AEP for its
24 generally effective stewardship of the project during its
25 first 40 or so years.

1 The Concerned Citizens of Cratic Creek have but
2 three points to make relevant to this project and as
3 outlined within Scoping Document I and in consideration of
4 the PAD as submitted by AEP.

5 First, and as described in Section 40 of the
6 scoping document and as representative for the Concerned
7 Citizens and as director of the Smith Mountain Lake
8 Association, I'm quite familiar with each of the 11 subjects
9 of concern put forth by the Association this morning and
10 fully and unequivocally endorse and support the
11 Association's positions on each of these 11 subjects.

12 And it's relevant to point that Bill Brush who
13 spoke this morning shares equally with myself as a
14 representative of the Concerned Citizens. The Concerned
15 Citizens, therefore, officially endorse those issues as
16 submitted by the Smith Mountain Lake Association.

17 Second, the Concerned Citizens believe that
18 responsibility for the shoreline is best served by a single
19 and responsible steward. And that AEP is and should
20 continue to be that steward and in accordance with the
21 Shoreline Management Plan as submitted to FERC on September
22 3, 2003. We are much aware of the recent formation and
23 objectives of the Tri-County Relicensing Committee. And,
24 while the counties have proposed several positive
25 recommendations, we respectively disagree with their

1 position regarding the Shoreline Management Plan.

2 The three counties would like to gain,
3 county-by-county, land use control of the shoreline. A plan
4 which achieved has potential for a limitless number, style
5 and size of revenue-producing boat docks and other
6 structures. We have witnessed first-hand how one county's
7 ordinances and regulations are so out of balance that they
8 permitted totally out of character high density development
9 in Cratic Creek. In this county's ordinances are reputed to
10 be even more balanced that those of its sister counties.

11 In the absence of a comprehensive land use plan
12 which recognizes Smith Mountain Lake as a unique asset in
13 need of carefully balanced development the temptation by
14 local government to maximize its revenues will all to often
15 win over reasonable and balanced development.

16 While we applaud the three counties for joining
17 together for a common cause, and while we recognize that the
18 counties have recently begun to better appreciate the lake
19 as a natural resource, we believe that their efforts could
20 be more productive if they were spent developing a working
21 relationship with AEP that produced resolution of issues
22 with follow-on strategies incorporated into the counties
23 comprehensive plans and land use ordinances and zoning
24 regulations.

25 We believe it is imperative that the counties

1 comprehensive plans merge with the current Shoreline
2 Management Plan as it now exist to ensure consistency of
3 guidelines for shoreline development and lake stewardship.
4 Therefore, the Concerned Citizens request that FERC approve
5 the present shoreline management plan. And, in doing so, we
6 also emphasize that now is the opportune time for local
7 governments and citizen groups to merge their plans with the
8 Shoreline Management Plan. In addition, implementation,
9 management and enforcement of Article 41, as it applies to
10 the Smith Mountain Project would seem impossible if in the
11 hands of three separate and distinct county governments.

12 Third, the Concerned Citizens request that FERC
13 establishes a specific oversight process which will ensure
14 that AEP maintains adequate permitting and enforcement
15 resources as necessary to fully implement and carry out the
16 provisions of the Shoreline Management Plan.

17 In summary, the Concerned Citizens of Cratic
18 Creek believe that the Smith Mountain Project has been in
19 relatively good hands since its inception over 40 years ago.
20 The Concerned Citizens recognize that this relicensing
21 process is an opportunity for stakeholders to encourage the
22 project operator to become an even better operator and
23 steward over the next licensing period. Therefore, we do
24 totally endorse the specific recommendations of the 3000-
25 member Smith Mountain Lake Association.

1 Furthermore, the Shoreline Management Plan was
2 developed over a two-year period with the contributions of
3 dozens of stakeholders, including the county governments,
4 and contains ample, maybe even excessive latitude for
5 dealing with legitimate exceptions. And while not perfect
6 and while not absolutely correct, it is sound and it should
7 be approved as soon as possible by FERC with understanding
8 that as the counties complete their comprehensive plans
9 future change in the Shoreline Management Plan might be
10 appropriate.

11 And, finally, FERC as the objective regulator and
12 overseer must ensure that AEP provides appropriate
13 management and enforcement for the Shoreline Management
14 Plan. On behalf of the Concerned Citizens of Cratic Creek,
15 we thank FERC and we thank AEP for this process, for your
16 time and for your past, present and future appreciation and
17 participation in the regulation, operation and maintenance
18 and stewardship and oversight of the Smith Mountain Project.
19 Thank you.

20 MR. CREAMER: Thank you.

21 The next person I have is Jeffrey Graft.

22 MR. GRAFT: Thank you for allowing the people to
23 address you about an issue so important to the citizens of
24 our counties.

25 My name is Jeff Graft. I'm the president of

1 Sonnar's Marina Corporation, which owns and operates Parkway
2 Marina, one of the oldest and largest marinas on Smith
3 Mountain Lake. With the assistance of the Lake Chamber of
4 Commerce and the Smith Mountain Lake Association, I also
5 represented our lakes' marinas in the weaning months of the
6 shoreline management committee meetings.

7 As a business owner and customer of AEP, I can
8 appreciate AEP's position on the issues and commend them on
9 doing a great job of making and distributing electricity. I
10 hope that AEP will appreciate my concerns, both past and
11 present, as a citizen rather than taking offense to them.

12 From the time of Smith Mountain Lakes formation
13 marinas have provided the lion's share of public access to
14 recreational resource to these lakes. Marinas represent the
15 largest commercial stakeholders on these lakes and year
16 after year we have filled the gap between the limited public
17 access of Smith Mountain Lake and Leesville Lake and the
18 growing recreational needs of our community and its
19 visitors.

20 Just to clarify a point, marinas are not the high
21 density residential development that some concerned citizens
22 have been disturbed by. For 40 years the management of
23 these lakes was left to the localities. Jobs developed,
24 neighborhoods grew and many dreams came true. This lake has
25 had a significant impact on many, many, many people's lives.

1 The marinas of these lakes employs numerous full-time
2 employees and part-time employees. In fact, in a nationwide
3 study, marinas typically generate, directly and indirectly,
4 60 jobs for every 200 slips. Our employees livelihoods rely
5 on the growth and tourism of Smith Mountain and Leesville
6 Lakes.

7 In fact, when you consider the majority of our
8 business is done on weekends and holidays during the busy
9 season, which is about three-months long, there are less
10 than 30 days to generate revenues to pay bills for 365 days
11 of the year. That includes payroll. In fact, our
12 significant source of year round income is slip rental.

13 And to clarify point preparing lower units due to
14 debris in the lake is not a significant source of income.
15 But we doe support debris control in the lake, even if it
16 means a lowering in revenue.

17 (Laughter.)

18 MR. GRAFT: Now we are faced with dramatic
19 changes. Changes which in many ways attempt to turn back
20 the clock, changes which could cause detrimental effects to
21 those whose livelihoods depend upon the growth and the
22 tourism of these lakes, and changes which do not respect the
23 already existing structural and economic development of the
24 last 40 years.

25 Marinas were never officially invited to join the

1 Shoreline Management Committee. And, in fact, many of us
2 were unaware of the committee until the weaning months of
3 its existence. Since we were only allowed to participate
4 late in the process, much of the foundation of the plan had
5 already been laid, resulting in a less than adequate plan.
6 As the largest commercial property owners within the
7 project, given that effectively an entire classification was
8 dedicated to our businesses, I do not feel that our
9 interests as stakeholders was adequately represented.

10 In short, the plan does not respect the economic
11 and geographic issues that marinas exist in currently. As a
12 business owner, I can appreciate AEP's position on lake
13 issues. Studies may be necessary to determine the
14 legitimacy of these issues. However, a commitment to
15 resolve legitimate issues must be made. A promise to study
16 and a periodic voluntary contribution is simply not enough.
17 This lake helps pay for our children's education. It helps
18 pay to build our schools. It helps pay to maintain our road
19 systems and it provides jobs. It provides recreation for
20 all our citizens, not just those lucky enough to own
21 property upon its shoreline.

22 However, relicensing is such a complex issue
23 that many of our county citizens are not aware of its far-
24 reaching effects or what options they have to address these
25 issues. Simply focusing on what occurs below the project

1 boundary is incomplete management of the lakes. An economic
2 study must be performed that considers the impact that
3 growth and tourism of these lake has on the entire region.
4 Much of the lake shoreline is not owned by AEP. It is my
5 understanding that the interpretation of the flow easements
6 on such properties is now in federal court. However, most
7 of us, average citizens, cannot afford such a legal battle
8 nor can we navigate the complexity of federal bureaucracies
9 to settle such disputes.

10 We do not need more bureaucracy checklists, stop
11 fees, red tape or court costs. We do need lake management
12 that will be responsive to the citizens now and in the
13 future. And I hope that FERC will give as much authority as
14 possible for lake management to the localities, even if it
15 means changes in federal law. As relicensing proceeds, I
16 hope that these issues and others will be addressed. The
17 counties surrounding the lakes form the Tri-County
18 Relicensing Committee and have requested a technical
19 conference to reopen the Shoreline Management Plan. Please
20 give due credence to the TCRC. I would request that you
21 approve the TCRC's request for a technical conference.

22 At this time, I would also like to recognize that
23 Lee Arnold from the Smith Mountain Lake Yacht Club and other
24 marinas is here and he supports what I've just said. Other
25 marinas have urges me to speak today, although not all of

1 them could attend because they're operating their
2 businesses. Hopefully, they'll be here later today.

3 Thank you for your time and I wish to AEP.

4 MR. CREAMER: Thank you.

5 Stanley Goldsmith?

6 MR. GOLDSMITH: Thank you, Mr. Creamer. Members
7 of FERC and AEP and for all of you that are here today, I'm
8 Stan Goldsmith. I'm the president of the Leesville Lake
9 Association and we're delighted to be a part of this
10 discussion today because we have begun to feel that
11 Leesville Lake was not included in the project. But the
12 person from AEP made it very clear yesterday. Thank you,
13 Frank, for making sure that everybody understand that
14 Leesville Lake really a part of this whole project and we
15 hope that we can add to the discussion.

16 The Leesville Lake Association was formed in
17 August 2003 and as of today we have over 260-member
18 households, which, if you do the math, represents about 650
19 people. And our purpose is to ensure that all stakeholders
20 and interested users not only have access to the lake, but
21 can enjoy it safely now and in the years to come.

22 In reviewing the scoping document prepared for
23 this meeting, we've determined the following comments are
24 appropriate and we offer them for your consideration. We do
25 not understand the fact that this document identifies

1 Leesville Lake as the Roanoke Rapids Development. Nowhere
2 else have we seen this reference nor do we understand its
3 significance.

4 Leesville Lake is an integral part of the Smith
5 Mountain Lake Pump Storage Project. In fact, throughout the
6 rest of the document it appears that Leesville Lake is being
7 included in the proposed studies and operations. One of our
8 major concerns is that for many persons and agencies
9 Leesville Lake may not be understood to be a vital and
10 critical part of the success of this project.

11 Our comments today reference our earlier
12 submittal regarding the adoption of the Shoreline Management
13 Plan sent through the Lewis Burger Group last spring. Most,
14 if not all, of the comments made in that submittal addressed
15 the environmental issues. They included debris on the lake,
16 erosion of the shoreline, free-floating damaged docks and
17 ramps, those that have broken free, vegetative cover
18 requirements, petroleum product spills and zoning and land
19 use issues.

20 Just prior to today's meeting, we've learned that
21 the studies that AEP is proposing for Project 2210-108,
22 which, if factually undertaken will address most of the
23 issues we are concerned about and are identified in Section
24 4.2, Resources Issues, of the scoping document. Our request
25 is that these studies actually are made and that the results

1 of these and others already completed be made public to
2 demonstrate AEP's responsible stewardship of the project.

3 We hope to see an overall strategy developed that
4 defines a plan to provide for better drought management and
5 flood control. We know that the project was not built for
6 these purposes -- for that purpose at least in mind. But,
7 obviously, over the years, those two issues are critical to
8 everyone who uses or has an interest or a stakeholder in the
9 lake, both upstream and downstream.

10 Because of the rise and fall of Leesville Lake of
11 10 to 13 feet and erosion and its effects on the shoreline
12 of the lake, it's critically important to not only property
13 owners, but all stakeholders and leads to considerably more
14 opportunities for silt buildup in the lake and scour our
15 personal property above the 620 elevation.

16 There is no current public safety program in
17 effect as evidence by the lack of channel markers, mile
18 markers, low water hazard markers, unlighted bridge piers
19 and abutments. We feel that leadership in sustaining public
20 safety should be an inherent of the licensee. Recreational
21 use of the lake is growing rapidly and will continue. And,
22 while access is provided for in the permit and of concern in
23 the current preliminary application document, there appears
24 to be little or no concern for the safety of those who
25 access the lake as evidenced by the lack of a plan for the

1 maintenance of the lake with regard to debris control and/or
2 removal.

3 With regard to Section 4.3 of the scoping
4 document, Proposed Protection and Enhancement Measures,
5 since recreation is a permitted and accepted use of the
6 lake, maintenance of the lake is more important to the
7 public welfare than additional access. It's not reasonable
8 or rationale to expect homeowners or other stakeholders to
9 pay for or bear the burden of debris removal to ensure their
10 own safety other than their own property. They are more
11 than willing, however, to help and have demonstrated that by
12 being willing to remove over 100 tons of debris this past
13 year. The 100 tons of debris does not compare with the 1200
14 tons that was mentioned earlier with regard to Smith
15 Mountain Lake, but this is our first year and our first
16 efforts. And my point is that there are many more tons
17 remaining to be removed.

18 We've begun to make an impact on it, but it's a
19 very slow impact. We simply do not have the resources, the
20 capability or the equipment to be able to impact the lake as
21 it should be impacted.

22 If I were to summarize my thoughts today for you,
23 I would simply add these two thoughts. We are encouraged by
24 the fact that AEP has recognized the need for studies on the
25 issues that impact the safe use of the lake. After hearing

1 the FERC's recommendations today on the studies, we
2 acknowledge their comments and support their
3 recommendations.

4 Our concern, however, is that these studies do,
5 in fact, take place in an expedited manner. In fact,
6 considering that there are conditions of the permit and not
7 current responsibilities, all of these studies should be
8 completed for the permitting process is completed. Further,
9 that the results of the studies be published along with the
10 appropriate actions to be undertaken by AEP as a condition
11 of the approval of the new permit.

12 With regard to the Shoreline Management Plan, in
13 our opinion the administration and permitting portion is not
14 being administered satisfactorily. Correspondence is not
15 taking place in a timely manner with regard to permit
16 applications and requests for variances are not receiving
17 timely attention. Two are currently being held without any
18 official response as to their approval or disapproval. This
19 is not to be a reflection anybody, but rather to the fact
20 that this issue indicates insufficient attention or staff
21 time is given to these issues and the permitting process
22 does not merit the attention required to effectively
23 administer the program.

24 This issue is not one that has been mentioned at
25 this point, and we've only just recently recognized the

1 fact, but it goes back to some discussions we've had. So
2 I'll offer it for your consideration. With all the issues
3 and potential ramifications involving the loss of electrical
4 service and capacity due to the potential acts of terrorism,
5 we ask that FERC in cooperation with AEP and the appropriate
6 federal agencies ensure the residents and users there is a
7 plan to protect the strategic importance of this project as
8 well as the safety of the people who live in and around the
9 lake.

10 Finally, the members of the Leesville Lake
11 Association are anxious and willing to help resolve the
12 issues^R
13 65^\n our limited capabilities. We appreciate the
14 relationship with AEP that we enjoy and realize we can only
15 benefit each others priorities by working together to ensure
16 the safe use of the lake. We thank you.

17 MR. CREAMER: Thank you.

18 The next speaker I have is John Lindsey. Is that
19 name correct?

20 MR. LINDSEY: Good morning, representatives of
21 FERC, ladies and gentlemen. I'm John Lindsey, a resident of
22 Pin Hook, Pittsylvania County, Virginia. I'm representing
23 the Roanoke River Basin Association today. A non-profit,
24 501(c)(3) tax exempt organization founded in 1945 whose
25 mission is to establish and carry out the strategy for the

1 development, use, preservation and enhancement of the
2 resources of the Roanoke River Basin in the best interest of
3 present and future generations of the Basin residents. RRBA
4 believes that Basin resource conservation can coexist with
5 managed economic growth.

6 I'm going to divert slightly from the written
7 comments to address an issue which was earlier raised this
8 morning. I want to note that RRBA is on record as opposing
9 any inter-basin transfer of water, primarily, because water
10 represents life. It's the only element we cannot
11 synthesize. And, when you transfer water from one basin to
12 another, you transfer the economic opportunities associated
13 with it -- the jobs, the development, et cetera. That's not
14 fair to the communities that are already stressed,
15 especially, in the Roanoke River Basin.

16 We believe the following issues should be
17 addressed as far as the Environmental Impact Study for the
18 relicensing. We support the instream minimum flow study,
19 which is outline in the PAD and scoping as proposed by the
20 Virginia Department of Game and Inland Fisheries,
21 specifically, that it helped to determine the minimum flows
22 necessary to support and sustain aquatic live in normal
23 seasonal temperature in the Roanoke/Staunton River. The
24 instream study should also determine the minimum flows
25 required to support current downstream, Staunton River

1 permit holders allocations, including the Town of Altavista
2 as issued by PEQ. There's no point in trying to study
3 something in proposed flows that will not support current
4 permit holders and current economic development.

5 We wish that it would also determine the optimum
6 project operations to minimum bank erosion and associated
7 sedimentation and siltation, both in Leesville Lake and in
8 the Upper Staunton River. Given the range of water level
9 fluctuation dictated by normal project operations, bank
10 stabilization within Leesville Lake should be a priority
11 issue. Returning river flows to their natural conditions as
12 some are advocating, but have not spoken yet, but will, is a
13 desirable objective but must be tempered by the existing
14 development and dynamics. The dams, the projects is a fact
15 of live as are the communities and the economic structures
16 that have grown around them.

17 The Staunton is no longer a free-flowing river.
18 Our task now is to protect and preserve it to the extent
19 practicable. Nothing will be gained if Altavista effluent
20 is stagnated and aquatic life disseminated with inadequate
21 flows or if unabated flood waters inundate communities with
22 loss of life and property.

23 As a member of the Marine Fire Department, I'd
24 like to make a couple of comments, also. The Smith Mountain
25 Marine Fire Department is unique. It's the only one in the

1 country. We have seven fire boats. Three of them are ISO
2 rated, which means that homeowners within that area of
3 operation are eligible for a discount on their homeowners
4 insurance and those insurance policies are written with the
5 assumption that the fire boats are available and can provide
6 the support that they advertise.

7 Fire boats provide wet hydrate to support
8 land-based units. They are first due on any fire or
9 structure fire within a 1000 feet of the shoreline. Water
10 levels in the lake directly effect fire boat operations, not
11 only in these responsibilities, but in response times and in
12 crew safety. I might note also that fire boats all carry
13 EMTs and first responder personnel and respond to boat
14 accidents and so forth as well as fires.

15 One of the safety issues for the fire boats is
16 debris. Everybody's addressing it. I simply want to note
17 that the debris constitutes a hazard. Many of the calls on
18 the fire boat are run at night when you can't see it. And
19 I'd like to see greater emphasize on the operation of the
20 AEP skimmer crews. Those crews now work part-time on the
21 skimmer. AEP has alleged that they provide the skimmer to
22 control debris, but those crews are not full-time skimmer
23 crews. The skimmer is not operated to the maximum
24 utilization it could be. So I would like to see that as an
25 objective of our Marine Fire Department.

1 Thank you for the opportunity to present and
2 discuss these issues. A copy is provided to the appropriate
3 people. We'd be pleased to discuss them at your
4 convenience. Thank you.

5 MR. CREAMER: Thank you.

6 David Weiler?

7 MR. WEILER: I'm David Weiler. I'm representing
8 myself and the Cedar Ridge Properties Owners Association in
9 Union Hall.

10 I want to just start out with a general remark
11 and say that after hearing all the demands that are being
12 put on AEP, I have a little more sympathy for their position
13 and I hope they won't decide to pull the plug on the whole
14 dam thing.

15 (Laughter.)

16 MR. WEILER: There are a lot of good things that
17 are happening here. And, of course, I'm not going to try to
18 reiterate those things.

19 (Problem with microphone)

20 MR. WEILER: There is some pollution, or if you
21 want to call erosion pollution, that arises on the lake
22 itself and that is due to what I would say are inadequate
23 use of the silk fences when new construction is proposed. I
24 have been around the lake on my boat many times and I see
25 lots that are this deep. They have one little silk fence on

1 the shore that is suppose to contain all the mud that's up
2 the hill from that in a heavy rain. This is not adequate
3 and it's something that could be very easily address by the
4 county's more strictly enforcing or, if necessary, more
5 rigorous their control of erosion by new construction.

6 The second thing has to do with release. And,
7 again, we've heard various points of view on that. I would
8 submit that I disagree with the position of some of the
9 downstream folks who say they want to have just the right
10 amount of release -- not too hot, not too cold. Before the
11 dam was built, the amount of water flowing down the river
12 was dependent upon how much it rained upstream. If it was
13 heavy rain there was a flood. If there was a little rain
14 there was a drought. A very simple strategy, and one that
15 is fair, would simply be to insist that over some reasonable
16 period of time outflow equals inflow -- roughly speaking. I
17 mean, you can't do it precisely. But, in times of droughts,
18 the pain has to be shared and that, I think, is the only
19 fair way to do it.

20 Finally, we get to some ideas about who bears the
21 costs. And I've heard it contended that property owners are
22 the big stakeholders and they're not paying their fair
23 share. Well, I want to very clearly dispute this point. To
24 say that AEP and the counties are bearing the costs is
25 ridiculous. How does AEP make money? They make money by

1 billing the customer for electricity. Therefore, the money
2 they get is not their money, its the money of the property
3 owners on the lake who are paying the bill.

4 Where do the counties get their money? They get
5 it from taxes? Who pays the taxes? You and I. So it's
6 patently unfair to claim that the property owners are not
7 paying their share of the bill. If you want to take a look
8 at this in terms of what the homeowners do pay now, we pay
9 higher taxes because live on the lake and this is considered
10 to raise our property values, so this is tax one. On the
11 average, the tax on a home on the lake is higher than a home
12 elsewhere located. That's tax one. Tax two arises from the
13 fact that we use less services probably than the average
14 person in the county. Most of the homes on the lakes or
15 probably at least half of them are owned by people who are
16 only weekend visitors. They don't use schools. The school
17 tax is one of the biggest components of the taxes that are
18 paid. So there are two taxes. So I would submit that to
19 impose any kind of a special fee on lake dwellers would
20 constitute a third tax. And, again, would be patently
21 unfair.

22 The cost of maintaining the lake should be borne
23 by all the people in the counties and that's the only fair
24 way to do it. Thank you very much.

25 MR. CREAMER: Thank you.

1 The next speaker is Robin Marks.

2 MS. MARKS: Thank you to FERC for holding these
3 proceedings and to AEP for hosting a very informative tour
4 yesterday. It was really wonderful.

5 I am Robin Marks, Director of Hydropower Reform
6 for American Rivers. These comments that we're going to
7 present today also are presented on behalf American Rivers
8 and the Hydropower Reform Coalition.

9 American Rivers is a non-profit conservation
10 organizations with more than 30 years of experience
11 dedicated to protecting and restoring healthy, natural
12 rivers and the variety of life they sustain for people, fish
13 and wildlife. American Rivers has been involved in
14 hydropower relicensing as a river restoration tool across
15 the country for many years, ensuring that new FERC licenses
16 will protect fisheries, wildlife habitat and recreation for
17 the next 30 to 50 years. The Hydropower Reform Coalition is
18 a consortium of 130 national, state and local conservation
19 and recreation organizations that have worked together for
20 more than a decade to improve conditions on rivers altered
21 by hydropower dams.

22 We are particularly interested in the following
23 outcomes for the Smith Mountain Hydroelectric project: (1)
24 a flow regime that mirrors the river's historical and
25 natural seasonal fluctuation, not one that is merely a set

1 of minimum flows; (2) a flow regime that will protect the
2 watershed's habitat and native species; (3) a flow regime
3 that will protect recreational uses of the rivers and
4 reservoirs; (4) protection and improvement of water quality
5 throughout the project -- that's upstream and downstream;
6 (5) a successful demonstration of FERC's new integrated
7 licensing process that encourage transparency, cooperation
8 and public participation.

9 It's necessary to establish more natural flows
10 within the project to protect the ecosystem as well as
11 recreational uses of rivers and lakes. Flow studies should
12 investigate and consider flow discharge protocols that
13 provide optimum, not merely minimal protection of the
14 watersheds, wildlife, and aquatic resources. This flow
15 model should be collaborative, transparent and
16 comprehensive, evaluating cumulative effects and providing
17 information about both impacts on electricity generation,
18 habitat and local species and river and reservoir levels
19 that provide for recreation. This information should be
20 available for all participants and members of the public to
21 analyze and use throughout the relicensing process.

22 We urge that the geographic scope of the proposed
23 studies be as broad as possible, recognizing that impacts on
24 flow, habitat and fisheries may extend well upstream and
25 downstream of the mainstem of the Roanoke River and impact

1 the Staunton, Pig and Blackwater Rivers and their
2 watersheds. We believe that all of the proposed aquatic and
3 fisheries resources studies identified under Section 4.2.3
4 of the scoping documents are valuable. These studies must
5 be comprehensive, be on the ground field studies and should
6 be comprised of new, not outdated information, using up-to-
7 date methodologies.

8 We look forward to evaluating the design of these
9 studies to ensure that they adequately protect the public's
10 interest in the resource. Again, these studies must be
11 broad enough to allow participants, federal and state
12 agencies and the public to fully evaluate the impacts of
13 current and proposed flow regimes and management measures on
14 the watershed as a whole, taking into account their effects
15 on aquatic habitat and a wide variety of local, natural fish
16 population of all varieties, of mitigating species found in
17 the Roanoke River watershed, including endangered species
18 such as Roanoke wild perch. Consideration of upstream and
19 downstream fish passage and entrainment is also critical.

20 Protecting and improving the region's water
21 quality is also of critical importance. We recommend that
22 the studies evaluate the water quality impacts to the
23 rivers, tributaries and lakes of all likely pollutants and
24 impairments, including dissolved oxygen, water temperature
25 and fecal chloroform as well PCBs, DET and heavy metals

1 found in sediments. All studies that are completed should
2 provide enough information for the state to adequately
3 evaluate the project's impact relative to all numeric and
4 narrative standards as described under the Clean Water Act.

5 Because of the environmental impacts of the Smith
6 Mountain and Leesville Dams, we urge that an Environmental
7 Impact Statement be developed. This document should be
8 submitted for public comment before it is finalized.

9 In summary, the Smith Mountain Project's impacts
10 on aquatic resources, wildlife and the environment should be
11 fully evaluated with consideration given to all possible
12 remedies to ensure better protection of the Roanoke River
13 watershed.

14 We will submit more detailed comments in writing.
15 Thank you very much.

16 MR. CREAMER: Thank you.

17 We have two more signed up speakers. The next
18 one is Cole Poindexter.

19 MR. SIMMS: He spoke yesterday.

20 MR. CREAMER: Okay. Karen Klebek.

21 MS. KLEBEK: My name is Karen Klebek. As a vice
22 president of ALAC and a Relicensing chair, I am speaking on
23 behalf of the Association of Lake Area Communities ALAC.
24 ALAC is comprised of 69 home properties owners associations
25 in Bedford, Franklin, Pittsylvania and Campbell Counties on

1 Smith Mountain and Leesville Lakes. Through these homeowner
2 associations ALAC represents thousands of property owners
3 who live on the lakes. I'm hear to learn, listen and
4 educate our membership on relicensing.

5 ALAC will be having a general meeting mid-
6 February where issues dealing with relicensing will be
7 discussed. After that meeting, ALAC plans to submit written
8 comments to the FERC before March's deadline.

9 In conclusion, our association has a vital
10 interest in making sure the lakes have a strong and
11 meaningful stewardship in the years to come. Thank you.

12 MR. CREAMER: Thank you.

13 That was the last sheet that I had. What I'm
14 going to do now -- is there anybody else that did sign a
15 registration form that would like to get up and provide
16 formal comments?

17 MR. INGRAHAM: Individual can speak?

18 MR. CREAMER: Individuals now, individuals in the
19 evening. It doesn't matter -- whenever is appropriate.
20 Whenever you want to. Is there anybody else?

21 Yes?

22 MR. INGRAHAM: I should be on your list.

23 MR. CREAMER: What's your name?

24 MR. INGRAHAM: Fred Ingraham

25 MR. CREAMER: No, I didn't have you.

1 MR. INGRAHAM: Ladies and gentlemen, I'd like to
2 welcome you all to Gretna. It hadn't been said yet, but
3 you're in the Town of Gretna and we appreciate you coming
4 out. I live here. There are a few other folks from Gretna,
5 but we'd like to welcome you here to our small town and we
6 appreciate the turn out and the fact that you're having this
7 conference here. We appreciate it very much.

8 I'd like to say some good things about AEP.
9 You've done a good job in many ways. You're good corporate
10 neighbor. You pay a lot of taxes. You've done a good job
11 in the past and I'm hoping that you can do a better job in
12 the future.

13 I'd like to really emphasize the role that the
14 AEP has done as a good corporate citizen for Pittsylvania
15 County. I really, as a citizen of this county and a former
16 member of the governing body of Pittsylvania County,
17 appreciate what AEP has done. I've had the opportunity in
18 the past to -- my name is Fred Ingraham. I was 18 years on
19 the governing body of Pittsylvania County. I had the
20 opportunity to serve the Staunton River district for 10
21 years and the Gretna district for 8 years. And I'm a native
22 of Pittsylvania County. I grew up here and I watched the
23 lake being constructed. I remember as a boy going up and
24 camping in the gap that's Smith Mountain and fishing in the
25 Staunton River. Then I watched the dam being created and

1 I've been here -- I'm telling my age, I sure, but what a
2 great experience this has been for southside of Virginia.

3 I'd like to talk to you briefly about one thing
4 that really concerns me and that's the debris in Leesville
5 Lake and Smith Mountain Lake. When you construct a dam on
6 the upper end of the Staunton River and a dam on the lower
7 end of Staunton River -- you have a dam on the upper end and
8 the lower end, when you have 40 years of debris coming in to
9 that lake over a period of 40 years, especially Leesville
10 Lake, it's just terrible. I just can't comment how bad it
11 looks. I noticed some of you folks went out and toured the
12 lakes yesterday. You went to Smith Mountain Lake and you
13 went to Leesville Lake, but I bet none of you got into a
14 boat and actually went out into the lake itself, especially,
15 Leesville Lake.

16 Can you imagine, and I want to emphasize, can you
17 imagine a lake in which you have no outlets for any debris.
18 You have no outlets and all this debris has been coming in
19 to Leesville Lake, especially Leesville Lake, for the last
20 40 years. Think about that.

21 Now somebody made a comment it was 1200 tons of
22 debris that was removed from Smith Mountain Lake in one
23 year. Now that's the case down at Leesville Lake. I really
24 just want to emphasize this. I would hope that the AEP
25 people who is just a good corporate citizen for Pittsylvania

1 County and Franklin County and Bedford County and Campbell
2 County would address this debris problem, this trash
3 problem.

4 We have, on Leesville Lake -- and I do a lot of
5 canoeing. I live here. I use the lake. I'm out there with
6 my boat. I'm out there with my canoe. I use the river.
7 I've been here all my life, but I just want to emphasize
8 it's like in Leesville Lake in which we have floating
9 islands of debris. Floating islands of trash, floating
10 islands that have accumulated over a period of 40 years that
11 float up and down Leesville Lake. And I'm not exaggerating
12 and I would hope that this Commission do something about it.
13 I really do.

14 You need the good old folks from Leesville Lake,
15 and I'm not talking about county government, but the AEP
16 should address this problem and they should address it now.
17 They have not addressed it in the last 40 years. Can you
18 imagine? I would just love to see any of you get in my boat
19 and let me take you up Leesville Lake. I don't go up there
20 at night. You don't go to Leesville Lake at night. But
21 floating islands -- I want to emphasize we have floating
22 islands. Trash accumulates with grass and vegetation and
23 trees floating up and down that lake because it has nowhere,
24 no outlet, no where to go and it's been like that for 40
25 years.

1 I know you good folks from AEP. I really know
2 you're great corporate citizen. You didn't design this lake
3 to be like that. You weren't here 40 years ago, but I hope
4 you'll address this issue. I've said it. I've repeated
5 myself many times, but I'm trying to make a point. Now you
6 need about five sweepers on Smith Mountain Lake and
7 Leesville Lake. And you need at least three on Smith
8 Mountain Lake and at least on Leesville Lake. And I'm
9 talking about spending your money, and I'm sorry, but it has
10 to happen. Now you make money here in central Virginia and
11 we're glad that you do. We want you to make money and we
12 don't want to take too much of it. But this is a problem
13 that needs to be addressed -- these floating island that we
14 have in Leesville Lake. And I would say you would need at
15 least five sweepers working two shifts on Smith Mountain
16 Lake and Leesville Lake. And I'm not talking about what you
17 do now. You have one sweeper that does some work on Smith
18 Mountain Lake and occasionally you move it to Leesville
19 Lake, especially, when the debris and trash starts
20 accumulating around the dam sites. It's not a good system.
21 You know it. I'm not telling you something you don't know.
22 It's obvious to the world.

23 You know, one of these days some environmental
24 group is going to a hold of AEP and they're going to skin
25 you guys because of the mess in Leesville Lake. They're

1 going to make that an issue and you folks are going to be
2 wide open.

3 Now I want to thank you for your time. And like
4 I said, I'm just a citizen of Pittsylvania County. I'm a
5 canoer. I'm a boater. I love my county. I love the
6 southside of Virginia and I appreciate the opportunity to
7 address this Commission. Thank you.

8 MR. CREAMER: Thank you.

9 Anybody else? Yes?

10 MR. CAPRARIO: My name is Gerry Caprario and I'm
11 a fairly recent resident on Leesville Lake. I'm a damn
12 Yankee. So, if anyone doesn't understand, I'm sure there's
13 some interpreters about that can cross-speak the language.

14 (Laughter.)

15 MR. CAPRARIO: I'm concerned about the debris
16 from a safety standpoint. I was part of a work crew of
17 volunteers that helped clean up a bit, and like it's been
18 said, it's pouring salt into the ocean. We're not really
19 doing that much. We can't. We're not able to do that much.
20 There's a safety issue there. As volunteers, if one of us
21 gets hurt, where does the liability go? Where does come?
22 Who's responsible for us?

23 There's older fellows such as myself get out
24 there -- and I'm not saying I do -- I have a very good
25 heart. It's good and strong. Some of the fellows could

1 strain themselves. There's younger fellows that get out
2 there that are showing themselves to be stronger than I,
3 more capable, maybe a little macho that want to pick up too
4 much and they throw their back out. There's a safety issue
5 there.

6 Like Fred spoke, like many folks have spoken, we
7 need some help. More help than what volunteers can provide
8 on Leesville Lake. Are five skimmers enough? I don't
9 know. I don't know how they work. I've never seen one.
10 There have been volunteers to help work on the skimmers. I
11 don't know where your liability would be for a non-employee
12 to be on one of the boats. It's a serious issue. It's got
13 to be looked at.

14 A comment was made earlier regarding repairing
15 outdrives. That's a small part of it if someone were to
16 hit something and get throw overboard. There's no brakes on
17 a boat. And for someone being in the water or for a boat
18 that careening out of control, nobody can tell that
19 propeller how to stop -- whether it stopped by your leg or
20 the log. And while the safety organizations are promoting
21 the use of PFDs, personal floatation devices, they haven't
22 quite gotten into seat belts yet to prevent being thrown
23 overboard.

24 I look at -- while it's an aesthetic issue, it's
25 also a safety issue. So, if the organizations can work with

1 the AEP, if AEP can be a little more generous with one or
2 two more skimmers to help us work together, I for one would
3 like to see it. Thank you.

4 MR. CREAMER: Thank you.

5 Anybody else that would like to come up? Yes?

6 MR. UNDERWOOD: I'm T.J. Underwood. I live in
7 the Cratic Creek section of Smith Mountain Lake and I've
8 been observing the meetings last night and today. And one
9 issue I never heard mentioned, which I think is an important
10 issue is light pollution. I request that that be included
11 in your studies. I used to live in Roanoke, Virginia. I
12 lived outside of Williams Road, Peters Creek Road
13 intersection. I lived within sight of the Citco Station, a
14 Wendy's, a Burger King, a CVS, a Kroger's, a Moore's,
15 Roanoke County No. 5 Fire Station and also in flight of
16 Woodrum Airport.

17 Needless to say, I was in a noisy overlit area.
18 I choose that when I built my home there knowing the
19 situation. I had small children. It was convenient to the
20 schools and activities and I consented to the fact to put up
21 with the inconveniences for their benefit.

22 I moved to Smith Mountain Lake to get away from
23 that. When I bought my property in '84, there was cow
24 pastures across the lake from me. My family and I sat on
25 the dock at night. We watched the Milky Way, the falling

1 stars. We just enjoyed the serenity of the lake. Since the
2 development in Cratic Creek has took place with highrises,
3 parking lot lights, stairwells with glaring lights all up
4 and down the building, walkway lights, multiple boat slips
5 with lights that hang down below the ceiling line has
6 totally ruined what I moved to Smith Mountain Lake for.

7 I've requested that Bedford County do something
8 about the lighting for two reasons. That's invasion on me
9 and the other neighbors and safety for navigation at night
10 on the lake. Their comments were that they met the
11 electrical code and there was nothing that could be done,
12 although they're the ones that issued the building permits
13 and inspected. They said that it was up to AEP if there was
14 a problem with navigational hazards in the lake, which
15 brings another point.

16 The counties want control of the Shoreline
17 Management Plan. Well, history shows me that they're not
18 capable of controlling the shoreline or managing it. Just
19 for an example, the problem in Cratic Creek. We have
20 several hundred, which has more than tripled the boat docks
21 that were in Cratic Creek before this development. I think
22 the count was 200 boat docks in the entire section of Cratic
23 Creek before Baron Landing Development took place. So you
24 can do the math from there. It was already becoming a
25 congested area and this overdevelopment just made it even

1 worse.

2 So the problem is -- I'm not familiar with
3 Franklin County, but Bedford County don't have any
4 ordinances to protect and manage the shoreline. Every time
5 there's a problem, well, there's nothing that can be done.
6 There's no ordinance in effect that would apply to this, so
7 if the counties want to participate in shoreline management,
8 I encourage you to get your acts together and get some
9 ordinances on the books that can protect the shoreline and
10 help you manage the shorelines. But, for the time being, I
11 think AEP has done a much better job. Thank you.

12 MR. CREAMER: Thank you.

13 Is there anybody else that would like to present
14 oral testimony?

15 (No response.)

16 MR. CREAMER: Frank?

17 MR. SIMMS: I told you wouldn't have to listen to
18 me again. I lied. I don't have anything prepared, but what
19 I would like to do is thank everybody for their comments so
20 far this morning. And, whether they be comments favorable
21 to our company or not favorable to our company, each one is
22 important and each one has a significance, and each one
23 should be given its due consideration.

24 We have a difficult job. As you heard this
25 morning and some of the comments yesterday afternoon,

1 there's a lot of diverse and different issues that the local
2 governments, individuals, the agencies all have and the
3 responsibility we have as a company is to address those
4 issues and to do it in a balanced and a reasonable manner.

5 I've heard people talking about development on
6 Smith Mountain Lake and Leesville Lake and I've only lived
7 down here for a year and a half, although I've been coming
8 down for 15 years. And, in that year and a half, one of the
9 comments I've heard is one of the big drivers for people to
10 move to this area is, in essence, the low electric rates
11 that people pay.

12 So, when we looked at the different issues that
13 are being addressed, when we look at how to respond to those
14 issues, when we look at the costs of studies and the cost of
15 mitigation, I would hope you all would know we're going to
16 take a reasonable approach, but we also have to look at
17 doing it in such a manner that we contribute to keeping
18 those electric rates reasonable so that we can have the
19 development in the area. It's a hard balancing act and we
20 look forward to it.

21 The process that you see here is a very open
22 process and I applaud the FERC in how they're handling this
23 process. We are one of the first to be part of this -- the
24 ILP. And I hope you know that one of the reasons we did it
25 was so that everybody here could have their say in an open

1 and public forum.

2 I can't stand here right now and address every
3 one of your issues. I wish I could. Time doesn't allow.
4 But I hope you know that we are talking them all seriously.
5 They will all be looked at and that we will do our best to
6 address them to the benefit of the lake communities, to the
7 benefit of those downstream and to the benefit of all
8 effected parties, including AEP. Thank you for your time.

9 MR. CREAMER: Thank you, Frank.

10 Where we're going to go to from here is there are
11 a couple of other things that we -- purposes on the slide
12 that we need to go over. We need to talk about the process
13 plan and schedule. I wanted to spend a little bit more time
14 talking about the issues in the proposed studies and just
15 kind of get a little bit more dialogue going back and forth.

16 I think before we get into that, since it's
17 almost 12:22, I figure we'll break for lunch and come back
18 here at a quarter 1:00. Does that seem reasonable to
19 everybody?

20 (No response.)

21 MR. CREAMER: Okay. See you all back here at a
22 quarter to 1:00.

23 (Luncheon recess.)

24

25

1 sounds like we could start talking about three of the
2 studies. And these studies themselves probably encompass a
3 lot of the other information that we're going to be putting
4 together or are proposing to put together and to address the
5 issues. And those three -- I think the first one would be
6 on the minimum flow or the study, which then leads into
7 potentially the drought study -- you know, looking at the
8 drought flows, looking at the flood flows and so on. They
9 all seem to tie together.

10 The second one, which is one that's not been
11 addressed very much would be the fish entrainment. And then
12 the third one, which I think would get a lot of interest is
13 the debris removal. So I think I'm going to turn it over to
14 John Van Hassel, who is our environmental coordinator for
15 this relicensing, and have him address some of the details
16 of the minimum flow study and then go into the fish
17 entrainment. And then, when he's done, I'll talk a little
18 bit about the debris and hopefully somewhat about the
19 sedimentation study, also.

20 MR. VAN HASSEL: We're in the process of
21 developing a draft study plan for looking at minimum flows
22 being released out of Leesville. One of the challenges of
23 doing that is -- I think you've heard a lot of kind of
24 competing uses that need to be reflected in that study
25 because it's not just a matter of, for example, striped bass

1 habitat. There's also water use. There's recreation, water
2 quality even and also erosion below the project.

3 So, in looking at the available assessment
4 procedures that we could use, one that we particularly liked
5 was one that's just been recently developed by the Electric
6 Power Research Institute. It's called "The Demonstration of
7 Flow Assessment" and we like that because it allows you to
8 develop models that look at all these different types of
9 uses and using kind of the same methodology and you're kind
10 of comparing things more on an even basis when you get to
11 the end of the study.

12 The way that's done is we're planning on putting
13 the draft together and then bringing in the various
14 stakeholders that are interested in that particular issue to
15 give their input, particularly, the experts on the various
16 aspects that we're interested in and kind of identify what
17 the study should look at -- kind of set the boundaries and
18 then develop some conceptual models of the flow effect that
19 we need to look at. And then, once that's done, you can
20 choose the habitat or other metrics that can be easily
21 measured that will give you a measure of that effect.

22 Following that effort, when you develop the
23 models, then it's time to do the actually field measurements
24 and that would involve, again, experts in dealing with the
25 science of these issues going out and measuring these

1 metrics, observing these things. At the demonstration
2 flows, it would be a range of flows within the -- a range I
3 think we can narrow down pretty well just based on what we
4 know already about the low flow needs below the project and
5 then make measurements at these various flows and analyze
6 those.

7 And then what you do then is take all the results
8 of those measurements, even do repeat measures of things to
9 kind get a measure of the uncertainty of the measurements
10 and then put together a ranking of each of the flow that you
11 looked at in terms of how well they meet the needs of the
12 model that you developed. That's kind of the general
13 approach that we'd use and then it's a matter now of just
14 trying to work through that to see if everybody agrees
15 that's the best approach and then going from there.

16 The kind of starting today, I guess, we're
17 looking for input on that and seeing where we should go with
18 it.

19 MR. LaROCHE: This is, I guess, the first we've
20 seen of a demonstration of flow assessment that John gave us
21 a copy of the paper. He gave us a copy of the papers so we
22 could look at the methodology. So, at this point, we're not
23 sure whether we agree with or we don't agree with it.

24 But, I guess, my question is, can you get at
25 things like -- for instance, we know now for the last 30

1 years we've used a minimum of 1150 cfs capacity. That
2 number came about based on the license. It was 2000 cfs in
3 19 days. If you spread it out 45 days it comes out 1150 --
4 the same amount of water. And I guess that's how -- I
5 wasn't here when all this was developed. I think that's how
6 it came about. They wanted a long procedure in 19 days and
7 1150, the same amount of water, is 2000 cfs in 19 days.
8 But, anyhow, we don't know whether -- we know that has
9 worked for the natural reproduction of striped bass in the
10 reservoir. But we don't know if 900 is better or 1400 is
11 better. Would we be able to get this kind of information?

12 MR. VAN HASSEL: The whole thing is there a way
13 to -- is there something you can really focus on that will
14 tell you how well each flow works for that specific aspect
15 of the study. Is there something we can look at that we can
16 measure and will tell us which flow would be better. Right
17 now I don't the answer to that. Hopefully, we can work on
18 that.

19 MR. LaROCHE: It mentions in the scoping document
20 you were considering going from Leesville Dam downstream to
21 Brook Mill.

22 MR. VAN HASSEL: Right.

23 MR. LaROCHE: I guess, probably, initially, our
24 thought would be you best go all the way to the headwaters
25 at Call Reservoir. I know there's -- Dominion is suppose to

1 be doing an interspring flow study from -- close the plant
2 down, basically. They haven't been able to get the low
3 flows they need to do their models with yet, so it's kind of
4 sitting on hold. But it seems like there would be some
5 opportunity to partner with them, I would think, at least on
6 the lower river than all the way to the lake -- the Call
7 Reservoir.

8 I don't see where interstream flow issues are any
9 different above Brook Mill than it might be below it. It's
10 different habitat no doubt, but I think there's still issues
11 regardless of where you are on the river.

12 MR. SPELLS: Most of your stripped bass spawning
13 takes place below Brook Mill, so it more critical from the
14 perspective of stripped bass spawning to look at that flow
15 data from Brook Mill down to the Call.

16 MR. LaROCHE: But my question is, is the need to
17 look at that whole stretch depend upon a particular issue
18 that you're interested in, do you think?

19 MR. SPELLS: I think stripped bass spawning would
20 certainly be the issue we might be primarily interested in,
21 even though we know they have wahines, which is white bass,
22 white perch -- all just in the river to spawn about that
23 time. And, ultimately, there's going to be American shad
24 coming up that river.

25 MR. VAN HASSEL: Do you happen to know --

1 speaking of that, do you happen to know the status of the
2 plans of Niagara Fisheries. I think we saw a draft of that.
3 We haven't got the final, though.

4 MR. LaROCHE: Yeah. I mean, it'll be finalized
5 as soon as they issue a license, I guess, for gas.

6 MR. CREAMER: Well, as far as gas goes, the
7 license has been issued right now. We have a rehearing on
8 some of the technical aspects of the article, not so much
9 that we had disagreements with what was in those articles.
10 We just didn't cover enough. We are waiting for the parties
11 to that relicensing to file an amendment to their settlement
12 that would revise those articles and then we could proceed.
13 We're hoping to have that wrapped up in fairly short order.

14 MR. LaROCHE: The fish plan, I mean, it's
15 basically finished.

16 MR. VAN HASSEL: It's not going to look much
17 different than what we've seen.

18 MR. LaROCHE: I mean, it may add some as the
19 years go by.

20 MR. SIMMS: Well, as you see that plan right now,
21 Bud, and based on what we saw on the draft, where do you see
22 it going relative to the Smith Mountain Project based on
23 what's in the plan?

24 MR. LaROCHE: I think one of the study needs that
25 hasn't been addressed -- I mean, I don't think it's an

1 extremely difficult thing to do and I think it would be
2 probably prudent for you guys to do it, would be to look at
3 available spawning habitats for American shad above Smith
4 Mountain and in the Pig River on Blackwater just to document
5 how much is actually available. Maybe it turns out that
6 only 5 percent of the American shad spawning habitat is
7 above Smith Mountain. I don't know. And maybe 95 below.
8 So is it worth the 5 percent to get them over the top? I
9 don't know. So I think it would be critical for you guys,
10 in my mind, to figure out how much spawning habitat is above
11 it just to know it. Maybe there's not much. I don't know.
12 I think there probably is some.

13 MR. VAN HASSEL: Is that pretty well-defined as
14 far as their spawning needs?

15 MR. LaROCHE: I think so.

16 MR. SPELLS: There may be some questions to that.

17 MR. LaROCHE: Some mistakes.

18 MR. CREAMER: Bill Hightower was looking at some
19 -- this is Albert Spells, U.S. Fish and Wildlife Services.
20 Bill Hightower from N.C. State with the USGS fish unit down
21 there, I believe, conducted some preliminary assessments of
22 available American shad habitat in the Roanoke drinks. I
23 don't know how far up river he went, but I can certainly
24 find out.

25 MR. LaROCHE: They just went -- they did the

1 mainstem and they did some major tributary in the Ohio River
2 and places like that and they found a significant amount of
3 habitat. If you go from Leesville to Brook Mill, there's a
4 lot of spawning habitat there on the mainsteam.

5 MR. CREAMER: One of the things that -- and it's
6 never really been clear to me, even going through Roanoke
7 Rapids gas and relicensing, was the historical range for
8 some of these anonymas species. We know that they at least
9 went up through Herbason and Roanoke Rapids and ran up
10 through Kerr. But it was never clear how much further up
11 the river they went. I mean, is there any documentation
12 that could help define where that distribution was at -- the
13 source of distribution?

14 MR. SPELLS: I don't know. I don't work in the
15 streams that often, but certainly our office in Raleigh may
16 have those documentation. And, speaking of that, one of the
17 things that they've been using to ascertain a historical
18 distribution of fisheries is looking at the natural
19 resources, the mitten digs and making sure that when you
20 conduct those projects that you do it in such a manner that
21 fish bones are -- they're separated and that way they can be
22 identified and you might be able to determine some of the
23 historical distribution based on those fish bones. And a
24 lot of these watersheds is not clearly defined with
25 historical runs and lands.

1 MR. CREAMER: That I know. That's the reason I
2 was asking if there was a little bit of information on that.

3 MR. LaROCHE: I've heard reference to Salem, you
4 know, for American shad, but I'm not sure where that came
5 from right off hand. Like I said, I think Bill Hightower
6 and that group have done a lot of research in that, so I'm
7 sure we can get that. Even like with the stripped bass,
8 you're wondering why they would come up that high, of
9 course, I've heard people talk about passing stripped bass.
10 But I talked to a fellow one time whose grandfather lived in
11 Leesville area and he was catching huge stripped bass before
12 the dams were ever put up. Why they came up that far, I
13 don't know. Of course, that was just a personal reference.
14 I don't know how accurate it was.

15 MR. SPELLS: They used to a similar thing on the
16 James River. They surmised back then that it was just
17 forgering runs. But following river herr into shad up the
18 river. They found a lot of those fish in the fall of the
19 year before they out migrated, so it could be the same
20 scenario.

21 MR. LaROCHE: Even now around the Kerr Reservoir,
22 like I said, most of the spawning takes places in Brook Mill
23 down. The fish run all the way to Leesville -- you know, 34
24 or 40 miles for some of them.

25 MR. SIMMS: I guess the question I have, if your

1 program or plan is to establish right now to go to a certain
2 point and you haven't established that that's even going to
3 be an effective program, then why would we go now, as part
4 of this relicensing, as a company, to go and do a continuing
5 study of a fishery that we don't even know if it's
6 effectively going to make it even to a point farther
7 downstream from the project? Would that not be something to
8 consider later as you get into more of your Part 12 -- not
9 Part 12, Section 18 restrictives would say that your program
10 is succeeding. We go later on to take a look at its
11 progress to go further or why not.

12 MR. LaROCHE: I think that's a good point and
13 that prescription could be made. And, I guess, to me, it
14 might be -- logically speaking, might it be just the best
15 use of a resource. If you're going to be on the river doing
16 an instream flow study, how much more would to plug in flow
17 rates for shad?

18 MR. SIMMS: Well, I'm not saying about the flow
19 rates for shad relative to the minimum flow study downstream
20 of Leesville. But then I'm hearing about going upstream of
21 Smith Mountain and identifying habitat and those type of
22 things and I'm thinking that sounds like something that
23 would come later as the program progresses.

24 MR. LaROCHE: I think it could. I think
25 something is going to have to be done eventually, depending

1 on how the restoration effort goes.

2 MR. SIMMS: That's exactly what I'm saying -- to
3 see how it would go and then look at it later.

4 MR. LaROCHE: I mean, the lower river population,
5 you know, is below even Roanoke Rapids is extremely below
6 the level. There's not enough to even pass. So something
7 has to happen before we were going to see fish actually
8 passing at Smith Mountain and I don't think anybody is going
9 to be around to see it.

10 MR. CREAMER: I recall from that proceeding that
11 that one of the big questions was that they weren't sure how
12 that program was going to play out and there was a lot of
13 adaptive management built into that aspect of the
14 settlement. They just weren't sure. It would go up to a
15 point and then they would see where they were at and, if the
16 program had been successful, they would proceed further up.

17 MR. SPELLS: I certainly think that's a logical
18 approach.

19 MR. CREAMER: Yes.

20 MR. SPELLS: On the Susquehanna it took maybe 30
21 years, you know, after they pass fish -- the first down flow
22 of fish you could see the same thing. It may take a long
23 time and I think the prescription would be a logical
24 approach.

25 MR. LaROCHE: One thing that's happened in the

1 last two years -- and some people here, I guess, probably
2 know about it, maybe not everybody. But, in 2003, they put
3 probably a million to 1.2 million marked American shad pride
4 in Altavista. These fish were supposed to be stopped in the
5 river below Roanoke River. But, if you remember, 2003 was a
6 really wet year and it was flooding like crazy down there.

7 And they knew if they threw in there they'd just
8 send them to a watery grave somewhere. So they had planned
9 to put fish in the upper Roanoke, you know, two years down
10 the road. It was planned and they decided, well, let's go
11 ahead and try it now. So they put about 1.2 million in
12 there in Altavista at the boat ramp there. That was in June
13 -- I believe it was June.

14 And what the North Carolina Wildlife Resource
15 people do is they sample the lower river below the Roanoke
16 Rapids, the free-flowing section down there runs all the way
17 up North Sound in September to look for juveniles this size
18 and they picked up, I think, 165. And, lo and behold, five
19 or six of those were fish that was spawn in Altavista
20 because they have a chemical mark on them, which I was
21 amazed at. It means they made it all the way through Kerr
22 Reservoir, through Lake Gaston, through Roanoke Rapids --
23 you know, three sets of turbines, three reservoirs and got
24 out. They out migrated.

25 So they did it again this year. They put in

1 about another 1.5 million pride and they went back this
2 September and they found out of 220 some I think they found
3 5 of them that came from Altavista. So out of both years
4 they got some return, which is pretty amazing to me. So we
5 thought that's kind of encouraging I think.

6 MR. SPELLS: How many were in the river?

7 MR. LaROCHE: Uh?

8 MR. LaROCHE: How many were still in the river?

9 MR. SPELLS: It shouldn't be because, typically,
10 these fish out migrate in the fall of the year. It's like
11 when the temperature drops below 60 degrees, they grow
12 propellers on they tails and off to the ocean they go. But
13 those fish are likely to return to that first dam. We've
14 seen it on the Susquehanna River. I was working with a
15 project on the Potomac River now where we see these hatchery
16 fish returning to the areas which they were released at. It
17 works. We have over 100,000 fish crossing Calalingo Dam on
18 the Susquehanna River each year.

19 MR. LaROCHE: You know there was a lot of
20 questions about whether these fish could ever find their
21 through Kerr Reservoir. Even if they could, if they could
22 make it pass all the miles, you know, and amazingly they
23 did.

24 MR. CREAMER: That would be a big thing right
25 there is that predation.

1 MR. LaROCHE: You know, there's a huge basin in
2 that reservoir. They got through.

3 MR. SIMMS: I've got a question. On the PFA,
4 when we're talking about demonstration flows, how many
5 demonstration flows do we think we're talking about? In
6 other words, we have -- what I'm imagining is we're going to
7 have to schedule the project in order to provide the flows.
8 And right now people have asked the question about PJM.

9 One of the effects of PJM is that we'd have to
10 schedule a lot farther in advance when we're making
11 modifications of a particular type to the generation cycle.
12 So, I guess, one of the things that would have to be looked
13 at on the DFA is to minimize, from my side of things, the
14 effects. So we'd have to look at some narrow windows. Is
15 that the way we're looking at it? Or are we talking very
16 large mass?

17 MR. VAN HASSEL: I was envisioning being able to
18 get to the point where we could be pretty selective in the
19 flows that we came to where we need to do a demonstration.

20 MR. SIMMS: Okay.

21 MR. VAN HASSEL: I mean, just looking at what
22 they've gone through at Dominion just trying to get the
23 proper conditions to do a low flow study is extremely
24 difficult. I think it's in our best interest to try to
25 really narrow down our focus to what we really think would

1 be worth studying.

2 MR. SIMMS: I think not even in timing, but also
3 in the range of flows to look at it. We have the
4 demonstration flows and then I think we also have been
5 talking about some computer modeling of flows to look at the
6 effects on operations and to look -- and I think Joe Haskel
7 will probably help in the last meeting to tie that in to
8 effects on, you know, how it might even effect Kerr
9 Reservoir even from a drought management all the way up
10 through a flood management type scenario. The modeling is
11 one thing that you can do on it any time because you're
12 sitting on a computer, but the demonstration flows have to
13 be -- just so everybody knows, we're going to have to be
14 really tight.

15 MR. LaROCHE: I don't know if it comes into play
16 with this particular method, but then you've got the side
17 flow issues. That's where Dominion had problems. You guys
18 can drop the water down, but you can't stop the side flow to
19 get down to what they need. So they could be sitting around
20 waiting for the side flows to come down, which hasn't
21 happened in two years.

22 AUDIENCE SPEAKER: Can we build a hydro on it?

23 (Laughter.)

24 MR. SIMMS: From what I've heard today, we can do
25 anything we want.

1 MR. CREAMER: Has anybody got any more thoughts
2 or comments about AEP's proposed flow studies?

3 MR. LaROCHE: The only thing I noticed in the
4 scoping document was that one bullet. It mentions flow of
5 discharge -- all kind of flow discharge with aquatic habitat
6 and recreation upstream and downstream. It doesn't mention
7 water quality. I heard that tossed around. Do you know
8 what the water quality issues associated with flows?

9 MR. SIMMS: Yes. Yes, we are.

10 MR. SMITH: I'd just like to add that I just
11 recently got a piece of literature on equipment that is now
12 available -- doppler measuring equipment. And I think AEP
13 has used in other sites, but it's a tremendous step forward
14 in the ability to measure flows, even small flows. And it
15 would be interesting to see how we can incorporate the
16 latest technology.

17 MR. CREAMER: Any other thoughts or comments on
18 the flow study before we move on to the next study?

19 (No response.)

20 MR. VAN HASSEL: What we're thinking of using as
21 a model for an entrainment study is kind of building upon
22 what we did in the turbine replacement in 1997. Those of
23 you that were around back then we did that entrainment study
24 in cooperation with the agencies in developing in what we
25 would look at where we evaluated kind of a probability

1 assessment of some fish entrainment based on, first of all,
2 the likelihood that particular species of fish would be near
3 the intakes and then at the intakes what their ability to
4 escape the intake flows based on their swimming speeds. And
5 then, depending on their size, would they be able to pass
6 through the trash racks and then could they actually make
7 into the turbine, then what's the probability, based on the
8 actually studies that have been at similar type of projects
9 with similar turbine design, what's their probability of
10 survival through those. And it came out, I think, a pretty
11 strong model of what we're dealing with here in terms of
12 entrainment.

13 I think now we have available to us even better
14 models of fish entrainment that are available for our
15 disposal as well as a lot of additional research on fish
16 swimming speeds and their ability to escape intakes and the
17 idea to, like I say, build upon the 1997 effort to look at
18 the entire project, not just in terms of the turbine
19 replacement in Smith Mountain back in '97. Could we hear
20 any of your thoughts on that?

21 MR. SPELLS: I wasn't a part of that study, but I
22 think from the Fish and Wildlife Services perspective we
23 would certainly recommend rather than a tabletop methodology
24 using an inwater method so we gather the best sites and be
25 more reflective of the current conditions there. And,

1 certainly, you can't assess eel or shad at this point, but
2 is that something you would entertain once we learned the
3 fishery in the river? Would you do another entrainment
4 study then?

5 MR. VAN HASSEL: Or we could easily do a tabletop
6 study on those species. We could pretty much do that with
7 any species we'd like.

8 MR. SPELLS: How predictable have those tabletop
9 studies been?

10 MR. VAN HASSEL: They're right in line with, like
11 I say, studies at similar projects -- you know, when you
12 take the models, calculate the survival and what not, it
13 comes out very close to what they've seen at other projects.
14 I think also there's really never been any indications, just
15 from observations and the fishermen -- the people around the
16 projects that there's real evidence of an entrainment
17 problem. At some projects, I know we seen an increase in
18 birds and stuff that are collecting around and feeding on
19 the leftovers of fish that didn't make through the turbine.
20 The ones that didn't make it through. We don't see that at
21 Smith Mountain. We think they're fairly representative.

22 MR. SIMMS: I know I'm out of my league here, but
23 we've done entrainment studies at some of our hydroelectric
24 facilities on the St. Joseph River in Indiana and Michigan.
25 And those facilities also have anonyms fish. And, in fact,

1 there's an introduction of 1 and 1/2 to 2-inch long price
2 for steelhead and chinook upstream -- or the chinook
3 upstream of those projects. So they were also a study as
4 part of the entrainment study.

5 We did two actual netting entrainment studies.
6 One with francis units. The other with the propeller-type
7 unit. And when we then licensed the other projects, we went
8 to the tabletop methodology in looking at all the different
9 species, size and everything else, based on what we saw in
10 the other projects on the river. And those projects were
11 licensed and there was found to be a good correlation
12 between those tabletop studies and then the entrainments.

13 So I think they were trued up fairly well because
14 you had similar fisheries, similar units, even -- Smith
15 Mountain is a lot bigger. I'll agree with that. It's just
16 a bigger unit, but it basically rotates at the same speed as
17 the type of units that we looked at up there. So I think
18 the tabletop gave them very good results and we were very
19 pleased with the passage results, in fact, for a lot of
20 those species.

21 MR. SPELLS: I'm not an entrainment expert, but I
22 tell you I've been told to say at the Fish and Wildlife
23 Service we will be recommending inwater study on that.

24 MR. CREAMER: One question that I have. From our
25 experience with these entrainment studies -- the Class of

1 '93, there were a lot of different types of entrainment
2 studies that were done for that class project. We struggled
3 with all that information and what does it mean to the
4 fishery. I can't think of any case that I've worked on or
5 that anybody else, staff-wise, that really that question has
6 been answered. What does entrainment mean to the fishery?

7 And, I guess, it would be a question that I would
8 pose to this group as we're talking about this fish
9 entrainment study is what does it mean? How many fish --
10 you know, the cost of doing business there is likely going
11 to be some fish that are going to be entrained. Is that a
12 significant number of fish? Does it have an effect on the
13 fishery? What does that number, if you go out in the field,
14 put your nets in, put a few fish in, however many fish in,
15 and you have X number of them go through. I mean, how many
16 is too many? What does that number really mean?

17 Those are questions that we have struggled with,
18 the Commission has struggled with and our policies on fish
19 entrainment have really changed over the years just simply
20 because that that's a very difficult answer to get to. And
21 it's something that, as we're looking at this fish
22 entrainment study, that I would encourage the group to take
23 a look at. I wouldn't want to see studies being done -- I'm
24 not disagreeing with the need for any study. It's just a
25 cautionary thing that I don't think any of us want to go out

1 and do something that is not going to lead to productive
2 results in the end.

3 So it's just something to keep in mind as we go
4 through there and we start to develop this study. It's a
5 very difficult question to get answers to.

6 MR. SIMMS: Yes. I think that's one of the
7 primary questions when you first even think of doing a study
8 is what are the goals and objectives of the study? What are
9 you really trying to get? Are you trying to change the
10 fishery, maintain the fishery or what? They're expensive.
11 The ones that we did on the St. Joe River were 10- to 14-
12 foot head. This is a little different. We're talking 180-
13 foot a head and you're trying to put nets down there and
14 what are you going to get from them. So there's a lot of
15 consideration.

16 MR. CREAMER: Another thing that we've done in
17 projects is, when you're looking at cost-benefit standpoints
18 when you're doing studies, one thing that we've seen where
19 the applicant and the group, the stakeholders, they decide
20 the expense of doing the study really isn't there. Let's
21 just agree on some type of structural enhancements or some
22 other type of mitigation.

23 That's something to think about too as far as do
24 you want to spend hundreds of thousands of dollars on a
25 study when if you can agree that maybe there's an impact

1 here or maybe not. If we can all agree on kind where we
2 want to head, I think it's something to keep in mind that
3 we're not going to waste anybody's time and money going down
4 a path that we don't need to go.

5 Again, I'm not supporting any type of studies at
6 this point. I'm not suggesting any type studies at this
7 point. It's just things that we've seen that I think need
8 to be kept in mind as we go though and develop these
9 studies.

10 MR. SPELLS: In speaking with Dave Sutherland, he
11 was on a project that they made a settlement on. I think he
12 might have mentioned it to you -- a very small dollar
13 amount. And he was concerned that, if studies aren't done
14 to show substantive need for a modification, that it may not
15 be put as an article in the license. So, if we make such
16 agreement, what assurances would be made that they are put
17 in the license as articles?

18 MR. CREAMER: Don't get me wrong. We have to
19 have adequate support for things that go in the license in
20 whatever form. It has to be supported. I guess where my
21 comments are coming from is how do you support the
22 recommendations? Do you support those recommendations with
23 studies that may cost \$500,000 or can you support those
24 recommendations with a study that is much less costly and
25 still answer the question? I guess that's where my thoughts

1 are. I'm not disagreeing with the need of it. I mean,
2 entrainment happens at every hydro project and it's pretty
3 much so it's a given issue for most projects and it's just a
4 question of how it's handled and how it's addressed. That's
5 all.

6 MR. LaROCHE: I think from a state standpoint
7 we've discussed this quite a bit with Dave and Albert. I'm
8 not sure we've come to an agreement yet on whether we feel
9 it's necessary or not necessary to do inwater. I know that
10 at Lake Gaston what they did is the group basically decided
11 there were better ways to spend a million and a half
12 dollars. They knew there were fish going through. The
13 company knew that there were fish going through and they
14 worked out a mitigation deal where North Carolina would get
15 X number of dollars for fisheries enhancements. That's all
16 it said. And Northern Virginia would get some money too for
17 fisheries enhancement on an annual basis in lieu of spending
18 all of that money on entrainment.

19 But, I guess, the problem -- and I thought, well,
20 that sounds like a good deal. That's not too bad a thing.
21 But then I recently got an e-mail from somebody who was
22 circling the lawsuits and stuff like that and there was a
23 case where somebody has done the same thing. But they came
24 back and FERC said that state that was going to get this
25 money had to prove that this entrainment was damaging the

1 fishery, which really puts it back on us -- a lot of work.

2 MR. CREAMER: The Commission's policy with regard
3 to funding is an evolving policy really is what it is. And
4 to go back to the original case that we always cite is New
5 Martinsville. It's the first time that the court has that
6 there has to be a showing of impact, otherwise, enhancements
7 may not be supported. We wouldn't necessarily have to make
8 a recommendation for something if it couldn't be supported
9 and that goes back to that court case -- New Martinsville.
10 It dates back to the mid-'90s -- somewhere around in that
11 timeframe.

12 So I think it's something that everybody is
13 mindful of. And I would not in any way suggest that the
14 group arrive at a settlement without having some support for
15 whatever that settlement says because that won't fly with
16 the Commission. We've got to have some support for things
17 that we put in the license.

18 The other thing that I would caution everybody
19 about is, if this group decides to go down the road of a
20 settlement much like happened with Roanoke Rapids, I
21 wouldn't necessarily hang your hat on simple funding
22 obligations. The Commission's policies -- and Carolyn you
23 can correct me if I'm wrong on this -- those policies are
24 changing. And, by the time we get to a potential decision
25 on this project, the idea -- and we're starting to change

1 now. The idea of simple funding for this or that it may not
2 fly. So that's something I would not hang your hat.

3 I would be looking at more substantial types of
4 recommendations. If you're going to make recommendations
5 with regard to fishery enhancements, simply saying that,
6 well, we're going to give the state \$50,000 a year for that,
7 I would not necessarily encourage that type of
8 recommendation. What I would really like to see are
9 specific what do you have in mind as far as fishery
10 enhancements that AEP could then help fund, whether it be
11 stocking at first, whether it be stocking, habitat
12 improvements -- things that are very specific. Just funding
13 for funding purposes where it's left open as to what those
14 funds are going to be for is something that I would advise
15 the group to stay away from.

16 But, again, I'm not supporting any type of
17 studies at this point. I'm just cautioning the group on
18 what the experiences and kind of where the Commission's
19 policy is at on some of these things. And, again, I tell
20 the applicants -- I tell people that, if we're going to make
21 a recommendation that for something to be included in the
22 license, we have to be able to support it in the
23 environmental assessment in some fashion.

24 MR. SIMMS: I probably would have to say when it
25 comes to settlement agreements, if you look at our history,

1 you're not going to see lot of settlement agreements that
2 AEP now. But that doesn't mean that we don't look at them
3 and consider them. With settlement agreements, I think we
4 put ourselves under the same type of scrutiny as the FERC
5 does. Is there a good reason for it? Is there
6 justification? And is it really going to benefit what you
7 want to benefit?

8 And I think that's important to us, too. Because
9 as much as we have to be able to sell it to the FERC as part
10 of a license condition, and as Allan was saying there are
11 some settlement agreements that go away and that may not
12 meet that scrutiny, I've got people above me that I've got
13 to convince we have a good reason to spend the money and
14 that it's really going to give everybody what they're really
15 looking for. And that's why I said when you look at goals
16 and objectives and you look at where you want to go. I'd
17 have to ask John -- or as John said, is there a perceived
18 problem with the fishery at Smith Mountain? I don't think
19 so. I think it's got a very good support fishery if I
20 understand right. So where do you want to go with this and
21 what's really needed? We're not adverse it is what I'm
22 saying. We do have one settlement agreement. It's actually
23 with Fish and Wildlife Service.

24 MR. MURPHY: But, with these entrainment studies,
25 when shad starts to come up the river and eel starts to come

1 up the river, is this something you could address at that
2 time for those species? Could that be something put in a
3 prescription?

4 MR. VAN HASSEL: I think we'd probably, like I
5 say, look at those species the same way we would look at the
6 regular species there now. Whatever we determine, as go
7 through this what is to be the best way to evaluate that,
8 whether it be a tabletop study or inwater study, I think it
9 would be easiest to address those at that time.

10 MR. CREAMER: The other thing to keep in mind
11 every license that the Commission issues as a reopen
12 provision and a provision. So, if over the course of a
13 license, an issue comes up that was not addressed during the
14 relicensing there is a mechanism to go back and look at that
15 issue. So, if we would recognize that shad and the American
16 eel, while they're not here right now, but maybe they will
17 be 20 years, there is a mechanism to go back and to look at
18 that at that point.

19 A lot of people think that this is a one-time
20 shot. And while it is an opportunity to take a
21 comprehensive look at a project, and just what environmental
22 enhancements are needed in a project, it's not the only
23 opportunity. There are opportunities to revisit things over
24 the course of a license.

25 Do we have any other thoughts or comments on the

1 fish entrainment study?

2 MR. LaROCHE: Has there been any evidence at all
3 during the history of the project that fish are entraining -
4 - you know, fish kills or something like that?

5 MR. VAN HASSEL: I'd say it's probably likely
6 that a fisherman downstream of the project or something like
7 that. There's a lot of fish they may have caught that even
8 had a mark on it passing through the turbine on river. That
9 type of information hasn't gotten to me anyway, but I
10 wouldn't be surprised if it's out there.

11 MR. CREAMER: Has the state ever heard of any?

12 MR. LaROCHE: I've never heard of any kind of a
13 fish kill or any kind of an issue below Smith Mountain. We
14 know the fish go through it because we've gotten fish out of
15 Leesville Reservoir that weren't stopped. They had to come
16 from upstream. They got through alive. How big a problem
17 it is? I don't know. The turbines are pretty deep in the
18 basin. It's pretty deep.

19 I think, if there is an issue, it's probably more
20 of a significant issue at Leesville. You can stand on the
21 Leesville Dam and watch the fish go through -- you know,
22 shad and stuff like that. You can see it going out.
23 Whether it's a significant issue, I tend to think that the
24 13-foot drop every week is a bigger issue on Leesville with
25 regard to entrainment infringement, at least the shoreline.

1 And you can see in the population abundance in the lake of
2 white bass and sundries things like that. They definitely
3 take a hit.

4 I don't we're going to recommend you quit using
5 the pump vac, but I think there is an issue there. If you
6 can mitigate for that, I'll try to get that. But it's easy
7 to prove that there's an impact there for that based on the
8 information data we've got from years of sampling the
9 reservoir -- a significant difference. Now there's
10 different types of reservoirs, but they're not that
11 different.

12 MR. SIMMS: I guess, based on what Allan was
13 saying earlier, would it not make more sense then than
14 addressing this entrainment issue, which was saying we don't
15 see fish kills and let's pool our efforts -- let's put those
16 efforts towards those issues that you really understand on
17 this being significant to the lake. In other words, like
18 the Leesville. And we don't want to change our operation.

19 (Laughter.)

20 MR. SIMMS: But, if there's things that can be
21 done or things that could be looked at for that, to me, that
22 makes more sense than reinventing the wheel of the
23 entrainment stuff. Just a thought.

24 MR. CREAMER: Does anybody else have any other
25 comments or thoughts on entrainment?

1 (No response.)

2 MR. CREAMER: Okay, seeing none, I going to talk
3 about --

4 MR. SIMMS: No. I'm going to keep John going.

5 MR. SMITH: You've got to remember we're shooting
6 from the hip here.

7 MR. SIMMS: And everywhere else. Yeah.

8 Water quality -- I want to address that. Let me
9 start that one off a little bit. There's a lot of water
10 quality information out there. I'll be honest. I thought
11 we provided a lot in the PAD compared to a lot of other
12 projects -- you know, what we've obtained from the state,
13 what we obtained from the Lake Association in their study, I
14 thought really covers the gamut of water quality in the
15 lakes. There was a question, I think, brought up, though,
16 dissolved oxygen and temperature. And, if I understand
17 right, and maybe Stan, are you here?

18 MR. SMITH: Yeah.

19 MR. SIMMS: Okay. There maybe more information
20 coming from your studies on dissolved oxygen and
21 temperature. I know Carolyn couldn't make it today, but is
22 there a possibility of that?

23 MR. SMITH: Yes. We have taken a lot of oxygen
24 measurements for the last couple of years, but they were
25 limited in the depth that we could take them because of

1 equipment shortcomings and we've never published any of that
2 data. This coming season we'll be taking those kind of
3 measurements more extensively and more effectively and all
4 that information will be available to you. We've been
5 funded for that, at least this coming season, by Virginia
6 DEQ.

7 MR. VAN HASSEL: I think what we had in mind at
8 this point was to supplement the large amount of data are
9 already out there from your group and from DEQ to kind of
10 get at the areas where there aren't much data, particularly,
11 at depth. And that would be do surface to bottom transept
12 sampling above and below each of the two dams to see if or
13 how the dissolved oxygen and temperatures relate to project
14 operations.

15 MR. SMITH: We'd be delighted to work with you.
16 That goes a little bit beyond the scope of what we were
17 thinking about for this coming season, but we have the
18 capability and the interest in working with any kind of
19 protocol that you'd like to establish as long as you help us
20 with funding if additional funding is needed to do what you
21 want to do.

22 MR. WILSON: John, do you have any of our stuff -
23 - any of our data regarding dissolved oxygen -- Dan Wilson
24 with the Department of Fish and Wildlife -- because we have
25 some of that also.

1 MR. VAN HASSEL: Is that reservoir and the river?

2 MR. WILSON: It's the reservoir and Smith
3 Mountain. We have over the course of the years a number of
4 dissolved oxygen profiles.

5 MR. VAN HASSEL: Was that a specific study or was
6 that done in connection with the fisheries?

7 MR. WILSON: Yes. It's in conjunction with
8 various things that have occurred in fisheries over the
9 years.

10 MR. VAN HASSEL: One of the main questions I had
11 would be where would be the best place to set up those kinds
12 of transects? That might help us.

13 MR. WILSON: I'll see if I can get you the data
14 because we have a number of different transects even from
15 the last few years, basically, all up and down the reservoir
16 at different sites.

17 MR. SMITH: Let me just say again that we're
18 willing to cooperate with any protocols that you want to set
19 up and we're equipped to do it and it can be done at very
20 little expense.

21 MR. CREAMER: Any other thoughts or comments on
22 AEP's proposal for the water quality studies?

23 MR. RUSH: I think one of the counties brought up
24 -- I think Kate brought up to consider the pump back impact
25 of the Pig River inflow into Leesville Lake and whether or

1 not that effects water quality in Smith Mountain Lake. That
2 may be a simple tabletop thing to do or a closed study that
3 looks at that, but it's certainly something that hasn't been
4 addressed.

5 MR. VAN HASSEL: I made a note of that because
6 that might influence were we might want to set up some of
7 our transects to better account for that if they aren't
8 already out there to possibly look through. Or even the
9 fisheries might have the equipment to tell us something
10 about that.

11 MR. LaROCHE: Something I hadn't thought about
12 until just right now, and we got talking about this the
13 other day, is several years, well, back in the '80s, I was
14 up on Pig River probably four or five miles above Leesville
15 looking for white bass or wild. I can't remember what it
16 was now. And we stopped for lunch and all of a sudden we
17 heard this noise and we looked down the river and a standing
18 wave was coming up the river. It was high. And I'm
19 wondering now, if there's a water quality issue coming out
20 of Smith Mountain. If there's a push up at Pig, I know. I
21 hadn't thought about that until just now. If there is a DO
22 problem -- I don't know if there is -- coming out of Smith
23 Mountain, does it push it up to Pig River? Does it impact
24 Pig River because it certainly -- you could see the waves
25 going upstream a significant way up the river. It might be

1 critical to somebody in the Pig River of the discharges the
2 varying discharges.

3 MR. RUSH: This is just a crazy thought, but if
4 there was a DO issue around the dams, that may solve your
5 fish entrainment problem because the fish aren't going to be
6 down there in the first place to get sucked out. So maybe
7 that could help go into your study to look at that.

8 MR. WILSON: It's not much of a DO problem at the
9 entrainment center except around the mouth of Blackwater
10 River. I thought you had that area listed.

11 MR. VAN HASSEL: It may start to begin there, but
12 the farther upstream you go from the dam the more that the
13 low DO comes into effect.

14 MR. WILSON: Okay.

15 MR. SMITH: Can I ask to what extent do we
16 anticipate that the bacteria studies will be included as
17 part of the water quality assessment?

18 MR. VAN HASSEL: We were pretty much depending on
19 DEQ -- the regional office where I don't think anybody's at
20 the meeting today from the regional office. They have a
21 specific TMBL study addressing that that should provide
22 pretty good -- should address that issue pretty well. We
23 hadn't anticipated any additional study of that, but it's
24 probably worth talking to DEQ to make sure that we're on the
25 same page.

1 MR. SMITH: Yes. I urge you to do that and I
2 also suggest that we need to think a little bit about where
3 those studies are conducted. DEQ tends to confine itself to
4 the deep water portions of the lake with their past bacteria
5 studies and that's not the leading indicator. The leading
6 indicator is the shallow water coves. And it seems to me
7 that we ought to be concentrating a little more on that
8 indicator rather than the water and the DEQ measurements in
9 deep water.

10 MR. VAN HASSEL: We'll check on that.

11 MR. SMITH: And one more question. I assume what
12 you talked about here in terms of water quality is
13 differentiated from the sedimentation study?

14 MR. VAN HASSEL: That's correct.

15 MR. SMITH: Okay.

16 MR. CREAMER: Any other thoughts or comments on
17 the water quality studies?

18 MR. SIMMS: Since we got John going.

19 (Laughter.)

20 MR. VAN HASSEL: Well, I hope that's pretty
21 straightforward. There's a pretty obvious gap in our
22 knowledge of the present distribution of the Roanoke wild
23 perch and also habitat that might be available for the
24 anteing of the Roanoke wild perch and that is the area
25 that's downstream of Leesville right there at the mainstem

1 and we propose to have some experts conduct a study for us
2 to evaluate them between Leesville and Brook Mill.

3 MR. SPELLS: I think Goose Creek should be
4 included in that.

5 MR. VAN HASSEL: I think I just said the mainstem
6 in the PAD.

7 MR. SPELLS: And if you get the dates out maybe -
8 - you know, I think there's several major tributaries you
9 probably ought to look at too just to make sure we haven't
10 got isolated populations. I don't know. If we don't find
11 them in the river, we find them in the tributaries. We know
12 there's problems there. The same thing can happen in the
13 river, too.

14 MR. VAN HASSEL: Do you expect them to inhabit
15 the river?

16 MR. SPELLS: I'd be really surprised if they
17 habitat the river. We've done a lot of sampling on the
18 river, but not looking for wild perch and you've guys are
19 looking for wild perch.

20 MR. VAN HASSEL: Right. I don't think that's
21 something that -- that's pretty specialized sampling and
22 we're hoping to get somebody like Paul Inglemeyer or someone
23 like that that could do that for us. I haven't actually
24 talked to him to see what his availability is.

25 MR. LaROCHE: I think we're probably next to the

1 region probably pick up most of the large tributaries and
2 one dam, tributaries or something like that. There are only
3 two of them -- the Potter River and Bee's Creek. And just
4 following the river there's a dam right near the mouth, I
5 think. I'm surprised they're not falling into the river,
6 too.

7 MR. VAN HASSEL: Maybe an isolated population?

8 MR. LaROCHE: Maybe. I don't know. Can you
9 think of any other, Scott?

10 MR. SMITH: Sayak Creek and Coke Creek and
11 Roanoke Creek.

12 MR. LaROCHE: There are five or six of them.

13 MR. SMITH: What about the Pig upstream of
14 Leesville, especially, in that area where you see the
15 standing lake? You know they have population -- well, they
16 were documented in the Pig River. I don't what the habitat
17 is like down there. They don't like sand very much. I
18 don't know whether it's worth looking in that area or not.

19 MR. LaROCHE: It probably would be worth looking.
20 It probably would be worthwhile. It's been a long time
21 since I was on that section of the river. But, as I think
22 back, as I remember, there was still habitat in that
23 section.

24 MR. VAN HASSEL: Is that something you guys want
25 to participate in as well?

1 MR. LaROCHE: Yes. We would like to be involved.
2 I don't think we could shoulder by ourself. But, yeah, we
3 would like to be involved and go out on some assessments of
4 it as much as we can. Is that straightforward enough?

5 MR. VAN HASSEL: I think we're talking really in
6 getting quite a bit more information while it's really not
7 much more effort to get that tributary system.

8 MR. CREAMER: Do we have any other thoughts or
9 comments on the survey work for the Roanoke wild perch?

10 Yes?

11 MR. SMITH: Let me take you back to the water
12 quality for just a moment, if I can. Is that appropriate at
13 this time?

14 MR. CREAMER: Sure. Go ahead.

15 MR. SMITH: Both the Lake Association and TLAC
16 have had increasing indications for the past nine months of
17 an increasing algae problem at the lake. It's a blue-green
18 algae. Consequently, it's not toxic, but an increasing
19 problem which indicates to me that we ought to make sure
20 that we don't neglect the nutrient measurement part of any
21 water quality study that is done from this point on. It's
22 all across the lake. It's not confined to any one
23 particular location -- or at least the reports are from all
24 across the lake.

25 MR. CREAMER: Thank you.

1 Any other thoughts on the Roanoke wild perch or
2 water quality before we move on.

3 Frank?

4 MR. SIMMS: Let's do the easier ones first --
5 sedimentation. What we were looking at on sedimentation,
6 and I think it's described in the tab, is basically the
7 hydro map of the lakes. In other words, to take a look at
8 what does the bottom of the lake look like right now
9 relative to the contours. And, based on that, the first
10 thing we would do is get an indication if they've filled up
11 significantly by simply looking at the volume of curves for
12 the lakes. And that's one point of interest we have.

13 Two, after that, then where available mapping is
14 available -- and we're hoping that we can go back and find a
15 lot of available mappings to compare those metric maps then
16 to the maps of the project before it was built. And that
17 attempt would be to try to figure out where is the sediment
18 settling out at. I mean, people say it's settling here.
19 It's settling there. It's settling there. Until you really
20 have a true map of it, you really don't know.

21 Based on those results, then I think it's where
22 do we go from there. But, again, it's a study. To me, the
23 idea of a study is where does the problem exist and does a
24 problem exist. And, as we say right now, then we're going
25 to go and study A, B, C, D, E, and F as part of that. I

1 think it's not appropriate at the present time. I think
2 let's see where the problems are first and let's see where
3 the sediment is.

4 MR. SPELLS: Let me ask you this question. If
5 you find that the problem is arising outside of the project
6 area, is there an area you would consider at least partnering
7 with funding to stabilize those trouble spots.

8 MR. SIMMS: Let me give you my attitude on
9 relicensing -- and, when you get into relicensing
10 discussions, people always mention the word "funding." And
11 I don't think funding is every appropriate to discuss until
12 you get the point where you see you have a situation to take
13 care of. So to say now would we consider funding I won't
14 even answer that question. To say would we work with the
15 surrounding areas possibly in the development of a plan to
16 decrease sediment coming in, would we work with the counties
17 and the state in their enforcing some of their sedimentation
18 controls, restriction for construction? Those are the types
19 of things we would consider. To say whether we would fund
20 something right now or consider funding, I couldn't even
21 answer that question.

22 MR. SPELLS: But it's not out of the question.

23 MR. SIMMS: It's never out of the question. No.

24 MR. SPELLS: The reason I ask that question is
25 the Fish and Wildlife Service has a program where we provide

1 funding to private landowners to stabilize banks and provide
2 fencing to keep cows out of creeks that cause substantial
3 erosion problems.

4 MR. SIMMS: And I'll be honest, too. One thing
5 we're never adverse to, and something we have done in the
6 past, is when we've talked about funding -- I'll talk about
7 it for right now -- is that we have gone through the Dingo
8 Johnson Funds, let's say, a matching fund-type program in
9 order to get things accomplished, depending on the state and
10 the relationship a lot of those Dingo Johnson requests go
11 through your organization.

12 MR. SMITH: I have some questions.

13 MR. SIMMS: Okay.

14 MR. SMITH: I have three problems about the
15 sedimentation study. First, the Lake Association flew the
16 lake this summer after two heavy rain storms that we had
17 this summer, photographing, videotaping the sediment flows
18 in the rivers. That was done 24 hours after the end of the
19 rain event. It didn't help us to the extent that by that
20 time the sediment had settled out of the coves and we didn't
21 see the impact of sedimentation in the shallower coves that
22 we had hoped to by this technique. But it was very
23 informative and very interesting with respect to how far
24 down the Roanoke and Blackwater Rivers the sediment was
25 flowing. And we have those in CD format and they're

1 available to you to look at it and that might help you to
2 scope where it's important to start the sedimentation study.

3 But the second point I want to make is that the
4 Lake Association feels very strongly that the sedimentation
5 study needs to move beyond just looking at the impacts on
6 the contours of the lake and tell us what it can about the
7 transport of nutrients into the lake through sediment. And
8 so we see the study producing much more information about
9 the aging of the lake than just the impact on contours and
10 we would really strong urge that that be a component of the
11 sedimentation study.

12 And, finally, the final point is we don't think
13 any sedimentation study is complete with core sampling to
14 document in another way the extent the sedimentation is
15 taking place. That the core sampling also gives us another
16 way of measuring other contaminates that have entered the
17 lake in the past. I'm talking about heavy metals, PCBs,
18 things like that that would be very helpful to have some
19 documentation on. So we would very much like to see the
20 core sampling be a part of any sedimentation study.

21 MR. CREAMER: Yes?

22 MR. WEATHERSPOON: I'm not sure we have sediment
23 problem on Leesville Lake or not. I'm Joe Weatherspoon and
24 I live on Leesville. Our boat ramp is about 200 yards below
25 the entrance of the Pig River and to the lake. Any time we

1 see a cloud down in the southwest about four hours later the
2 water starts to get a little dark off the Pig. But last
3 September I cleaned off our boat ramp. Last night I
4 measured the depth of mud and it is 6 inches deep on our
5 boat ramp. Now we get a lot of sediment coming down --
6 erosion primarily because of water coming from the dams down
7 to our boat ramp, which is just below the 13 mile limit. It
8 runs much faster when they're generating than it does in the
9 rest of the lake.

10 In three months, four months we've picked up
11 somewhere between 6 and 7 inches of residue on the boat
12 ramp. So I think we've got a little bit of sediment problem
13 there and the same thing with the Pig. As soon it rains the
14 river, at that point, turns brown. And, when they start to
15 pump back, that brown water doesn't seem to go back up
16 stream. It seems to keep moving down. So whether there is
17 a problem with the pump vac, I don't know. But you can
18 stand out there and watch when they're pumping back and the
19 brown water is still moving down the river.

20 MR. SMITH: One more point that I should have
21 made earlier. No one really understand water flow in the
22 Smith Mountain Lake. It's a unique lake from that point of
23 view and it seems to me that any time you're doing a
24 sedimentation study you ought to lay the basis for a
25 computer model of water flow in the lake. I don't know

1 whether that's a separate study or part of the sedimentation
2 study, but the two can be done very easily. It would be
3 much cheaper to do both at the same time than separate
4 studies I would think. So it would be very helpful for
5 everybody in the long-term if we could have a computer
6 modeling of water flow.

7 MR. SIMMS: I guess, to respond, one is we would
8 want to know, if you a computer model of water flow, again,
9 what's the goal and objective of it? What is it going to
10 tell you? Two, a lot of these studies sound simple like
11 when you mentioned the core sampling. That's an expensive
12 proposition and you have to look at what are going to be
13 getting from that. I mean, the best thing to do with
14 sediments really -- I going to let John address more it, but
15 I don't think you don't want to disturb them if you don't
16 have to disturb them.

17 MR. SMITH: Yes. It's the same principle as
18 encapsulating asbestos. Once it's there you don't have to
19 worry about it too much. but what we really need to know is
20 we know what the distance of the introduction of
21 contaminates in the lake is and is there containment. I
22 don't know any -- there are people with much greater
23 scientific background here than I have, but I don't know any
24 way of measuring contaminates such as heavy metals or PCBs
25 other than fish studies and it seems to me it just ought be

1 common sense that there ought to be some other measures of
2 those kind of contaminates in the lake.

3 MR. VAN HASSEL: I'm just not sure what we can
4 address in addition to what DEQ already addresses in their
5 fish and sediment program. They have a pretty comprehensive
6 program. And where they do find levels of PBCs or heavy
7 metals or whatever in fish or sediments that exceed their
8 target levels, they then develop PMDLs to address those
9 problems. They're proceeding fairly slowly on those because
10 there is quite a few areas statewide that they need to
11 address, but they are eventually getting around to them.
12 Like I say, they have a pretty big data base of the whole
13 fish and sediment for both the rivers and the reservoirs.

14 MR. SMITH: Well, I'd like to refer you to an
15 article that was in the spring issue of Lake Line, which is
16 the national lake management publication. It's entitled
17 "Lake Management Programs -- the Importance of Assessment
18 Studies" and it seems to me it expresses a case that the
19 Lake Association would like to make very succinctly and
20 properly. So I will get that to you. Would FERC like to
21 have a copy of this, too?

22 MR. CREAMER: If that's something that you want -
23 - if you plan to file written comments, you can file that
24 along with those written comments.

25 MR. RUSH: There's one other thing I'd add about

1 sedimentation is there's obviously a lot of the reasons for
2 the studies, at least from some of the counties perspective,
3 and even the Association's perspective, should we restore
4 these areas back to the original contours? How are you
5 going to do that without studying that sediment to know
6 whether it should even be removed or let it be there.
7 That's another perspective on the reason for the core
8 samples maybe in certain areas.

9 MR. SIMMS: One, I don't know if the core
10 sampling is going to tell you much in that regard. I think
11 what's going to tell you more is if your sediments have
12 formed the wetlands than we've disturbed those wetland areas
13 or not. And then that fits into more with combining what
14 we're looking at in the sediment study, looking at our
15 aquatic vegetation -- the information that's been obtained
16 and then the information that we're obtaining in addition.

17 MR. VAN HASSEL: They are very closely related.

18 MR. SIDES: I'd like to make one comment on
19 behalf of counties regarding erosion control.

20 MR. CREAMER: Your name?

21 MR. SIDES: Greg Sides, Coalition with
22 Pittsylvania County. But, like I say, just speaking for our
23 group, we've identified erosion of sedimentation is
24 certainly a major issue. We're not speaking in with --
25 signing in with details right now because we're going to

1 into that with our written comments. And that's the reason
2 we'd like to say we're looking for a wide-ranging study
3 that's going to look at both loss and accumulation and also
4 areas that may be dredges. Because we don't say anything
5 doesn't mean we don't think it's important. We're just
6 going to wait and put all that together in our written
7 comments.

8 MR. CREAMER: You're talking about sediment
9 sampling for heavy metals, PCBs, any contaminates of that
10 nature, I guess one of the questions that I would have and
11 maybe somebody can help me understand. Since I don't live
12 down here, I'm not as familiar with this area. Is there
13 some evidence that suggest that it is a problem or would be
14 a problem -- I mean, as far as the watershed development,
15 what's in the watershed that would suggest that these type
16 things would be coming into Smith Mountain Lake?

17 MR. SMITH: Well, the TGIF has recently issued a
18 couple of press releases with respect to the consumption of
19 fish from the lake with warnings with respect to PCBs. Now
20 this was a result of the changes in standards rather than
21 any indication that the levels of PCBs in the lake were
22 increasing. But that's one direct result. One of the
23 reasons I'd like to see these kinds of things studied is my
24 guess is that this is a historic problem and not a current
25 one. I would guess that the PCBs that we're seeing on the

1 lake now entered the river much higher in the lake and that
2 is pretty much under control. But no one knows that for
3 sure and we really ought to know whether this is an ongoing
4 problem or it's a historic problem that we don't need to
5 worry about as long as it's contained in the sediment of the
6 lake.

7 MR. CREAMER: I guess I'm question is, talking
8 about PCBs, historically, what has been in the watershed
9 that would have put the PCBs in the watershed that they may
10 now be entering the lake?

11 MR. SMITH: Well, there were several industrial
12 processes higher up in the watershed that could have
13 introduced PCBs.

14 MR. CREAMER: That's kind of where I was headed
15 because I was just kind of curious if there was industrial -
16 - usually, when we see evidence of PCBs, it's usually
17 equated to industrial development or something of that
18 nature and that's kind of what I was trying to get a feel
19 for.

20 Any other thoughts or comments? Yes?

21 MR. BARNES: Lynn Barnes, Concerned Citizens for
22 Cratic Creek. another area that I'm not sure that we've
23 touched on -- it was mentioned earlier in someone's
24 presentation -- and that's the sedimentation that occurs,
25 particularly, in the end of coves and around shallow points

1 where significant development is going on. And between DEQ
2 and DECR there is some measure of water flow and the volume
3 of run off that's going into the lake. But it doesn't
4 appear if anybody really measure water quality and it seems
5 to me as if the counties, in terms of run off, perhaps need
6 to take more of an accurate role in preventing this kind of
7 run off. But we can see after a rain storm in many of these
8 areas where development is going on that the water is
9 actually red in some cases for as long as two days. And I
10 think we see in some cases where private developers are
11 crying for the need for sedimentation studies, yet, I think
12 the case can be made that they are contributing to the
13 problem. And I'm not sure what can be done in this purview
14 about that, but it's certainly an issue I think for some of
15 the state agencies. It's certainly an issue for the
16 counties. I don't know if anyone wants to comment on that
17 or not.

18 MR. CREAMER: I guess nobody wants to comment on
19 that?

20 (Laughter.)

21 MR. CREAMER: Any other thoughts or comments on
22 the sedimentation/erosion issues? Yes?

23 MR. NEUDORFER: May I ask maybe a procedural
24 question? I'm Chuck Neudorfer with the TCRC. What's been
25 suggested, if I understand correctly, is to do the

1 sedimentation studies basically seeing what the problem is
2 and with the follow-on study they're not appropriate at this
3 time. In the procedure, where do the follow-up studies get
4 introduced into the process?

5 MR. CREAMER: The IOP process is designed
6 basically to provide two years of potential studies. There
7 are two study seasons. This particular process, because of
8 the timing of the way it started, is kind limited to two
9 years. In some cases there maybe additional time where
10 studies can be done.

11 Now one of the things I talked about yesterday in
12 my introduction one of the requirements of this process is
13 after the first year AEP is required to file a process
14 report and they're required to file that with the Commission
15 as well as provide that to the stakeholders. We have an
16 opportunity to comment on that progress report and that
17 plan. There is an opportunity at that point in time to,
18 based on the results of those studies, one of two things can
19 happen -- well, three things really. If the studies answers
20 the questions, then the studies are over. Maybe the study
21 needs to be tweaked in some way to -- you know, you get some
22 results and you say, well, what about this? And maybe that
23 study needs to be tweaked. Or maybe you get some results in
24 the study that introduces a whole new question that needs to
25 be looked at and it might introduce the possibility of a

1 completely new study.

2 There is an opportunity after that progress
3 report after that first year to modify that study plan going
4 into the second year. And, after that point, if the
5 preliminary licensing proposal is filed and there is still
6 disagreements and parties still think additional studies
7 need to be done, in providing comments to that preliminary
8 licensing proposals, those studies can be requested then.
9 But at that point there has to be extraordinary cause or
10 good cause shown as to why those studies are need and then
11 the Commission would make a decision. When we issue a
12 tendering notice -- I believe it's a tendering notice -- at
13 that point we will also make a decision as to whether or not
14 those studies are needed for the Commission to do its job.

15 Now one that really hasn't been talked about with
16 regard to this process -- I didn't talk too much about it
17 yesterday and it hasn't been talked about today. The
18 process is designed -- as we set up this study plan, there
19 will be additional meetings to hammer out those study plans.
20 So, hopefully, if there are disagreements along the way, the
21 parties can get together and hammer out those disagreements
22 so we have a study plan that everybody can sign off on.

23 Now, if those disagreements exist and cannot be
24 resolved informally, there is a formal dispute resolution
25 process built into the ILP. The limitation to the formal

1 dispute resolution process is the fact that only the
2 mandatory conditioning agencies can request formal dispute
3 resolution. In this particular case that would be the Fish
4 and Wildlife Service and Virginia Department of
5 Environmental Quality. At this point they're the only two
6 that I know of that are what we consider mandatory
7 conditioning agencies. So that's just another piece to this
8 process that hasn't really been talked about, but, as far as
9 the dispute, it exist.

10 To answer your question, there are additional
11 opportunities along the way. But, if the study plan needs
12 to be tweaked, additional studies need to be done, it can
13 occur. Post-filing, if there really is something that can't
14 be answered in one or two years -- it doesn't mean that we
15 don't go ahead and license the project and it makes sense to
16 continue looking at something, that something that we may
17 build into a license. Again, it's something that exist.
18 We've done it in other cases, but it's not really part of
19 the norm where we have that continuing, ongoing type of
20 study. Now monitoring is something that we include in a lot
21 of licenses, naturale licenses always requires some sort of
22 monitoring of various things. But there's a difference
23 between certain ongoing monitoring and major, ongoing
24 studies. So I hope that answers your question.

25 MR. NEUDORFER: Yes, I think so. It did answer

1 my question. It doesn't resolve my concern. I think my
2 concern -- and that's my problem, not problem. My only
3 issue here is that we're undertaking a study, or perhaps a
4 series of studies, with the expectation that they will
5 generate requirements for additional studies downstream and
6 I just want to be sure that I know how those are going to be
7 as to what opportunities for further studies. I appreciate
8 your comments.

9 MR. CREAMER: Hopefully, I answered where those
10 opportunities are in introducing potentially new studies or
11 tweaking existing studies.

12 MR. SIMMS: I've got one comment on it, though.
13 Maybe I'm wrong. The way we've looked at it in the past is
14 first you have to identify what's the study about. And the
15 idea of the study in my mind is to provide the information
16 to do an evaluation after the study is completed as to what
17 your alternatives are out there to address what the study
18 brings up. In other words, a fishery, if a study identifies
19 that fish entrainment is a problem -- you know, you've done
20 the study. You've identified that it is a problem. Then
21 you go into an evaluation or your alternative or mitigation
22 evaluation. Well, what's the best way to take care of that
23 problem. So I think I look at it a little differently. You
24 have the study and then you have the evaluation of the
25 sedimentation study. The sedimentation study identified

1 where is the problems. What is the extent of the problem,
2 if there is a problem. The evaluation may be there is no
3 problem or we need to look at A, B, C and D in this
4 particular area in order to evaluate what could be done and
5 should be done under the license. So I kind of split it up
6 a little differently.

7 MR. CREAMER: Yes. I mean, some studies are
8 going to basically lead down that path. You do a study and
9 it provides certain results and it answers certain questions
10 that you set out to answer. And at that point you're going
11 to look at that study and say, okay, now what does it say
12 and what do we need to do? There may be other -- and I'm
13 not saying that these studies are going to come out one way
14 or the other. There's no expectations on my part.

15 There may be other studies that, after one year
16 for various reasons they may not answer the questions that
17 you set out to answer -- such as water quality. One thing
18 that we've found sometimes one year of water quality data
19 may not necessarily be representative of normal conditions a
20 the river. You may end up having a wet year and so that
21 needs to be accommodated in some way and you need to go back
22 -- you need to be able to go back and maybe take a second year
23 and maybe the second year is a little more normal.

24 So there are some studies where, if you set out
25 to answer certain questions and you answer those questions,

1 then you can go into evaluating where you need to go for
2 enhancements. Other studies there may be certain reasons
3 why you couldn't answer the question you set out to answer
4 that you need to continue to look to answer those questions.
5 That's where the potential is for a second year or
6 additional years of study.

7 So it's not that I don't think we disagree with.
8 It's just a question of what questions are you trying to
9 answer with the study and have you answered those questions
10 with the study you propose to do. That's what it really
11 boils down to.

12 Any other comments on this before we move on?

13 MS. BERGER: Kate Berger, Pittsylvania County and
14 Relicensing Committee. I guess one of the questions I have
15 is that in some cases where we might see that in the future
16 that we need to have a periodic reassessment or another
17 study down the road we could actually run into something
18 then that might lead us to realize that there's another
19 issue we need to study that was not a factor at this point.
20 Just as there's been so many changes since the lake was
21 established. Certainly, at that point people couldn't have
22 thought about all of the things that we're looking at even
23 now. And, certainly, 5 or 10 years down the road there
24 might be -- how can that be addressed in this process? In
25 other words, those things are going to come up that none us

1 can even conceive at this point that we might find in
2 something in the study we're doing down the road.

3 MR. CREAMER: One of the things that I mentioned
4 earlier when we were talking about fish passage, we can't
5 possibly look into the future to say this is going to be an
6 issue or that's going to be an issue, you know, 15 years or
7 20 years from now. One of the mechanisms that exists to
8 deal with situations like that are reopener positions that
9 we have in a license and that's one of the key provisions
10 where you can go back -- if 20 years from now, if an issue
11 arises that was not addressed here in a relicensing, the
12 road to take is through a reopener in a license.

13 Now I've seen other ways of it being handled,
14 particularly, in settlements. And I don't want to talk too
15 much about settlements. But settlements, a lot of times
16 they will have provisions built into them that then get
17 translated into a license that has a direct provision for
18 that sort of thing. I mean, that's another mechanism, but
19 that mechanism only exists if there's a settlement and the
20 Commission adopts that settlement.

21 Anything else on the sedimentation before we move
22 on? Yes, in the back?

23 MR. UNDERWOOD: T.J. Underwood. The wetland
24 issue was brought up a little while ago and previously I
25 think Mr. Poindexter had brought up about float docks that

1 used to exist -- boat slips -- and now, due to
2 sedimentation, they weren't useable. My question is for the
3 experts that are here, if the sedimentation took place and
4 weeds have grown up in it, is that considered wetland
5 habitat and you're not able to disturb it any more? I'm not
6 just real clear on that. I'd like to be brought up to
7 snuff.

8 MR. MURPHY: Technically, it would be a wetland.

9 MR. UNDERWOOD: Pardon?

10 MR. MURPHY: Technically, it would be a wetland.

11 MR. UNDERWOOD: So they couldn't leave a boat in
12 it anymore. They've lost it forever? It wasn't a wetland
13 when he built the boat slip.

14 MR. MURPHY: Well, yeah.

15 MR. UNDERWOOD: But it has come that due to
16 sedimentation.

17 MR. CREAMER: I think it all depends upon -- and,
18 Pat, correct me if I'm wrong, but I believe it's the Corps
19 of Engineers. They would make the call as to what would be
20 a wetland and what was not. They have certain criteria that
21 define what a wetland is. Now, over the years that criteria
22 has changed, but I think ultimately the Corps of Engineers
23 would have to make a call and they would be the one to say
24 that it is a wetland or it isn't.

25 MR. UNDERWOOD: All right. Thank you.

1 MS. ROGERS: That's kind of how we handle now.
2 We work with the Corps of Engineers. But I guess the
3 important aspect of it is that people maintain what they
4 have. If you neglect something for 20 years and it comes up
5 a wetland, then they're going to look at it a lot
6 differently than if sediment came in this last storm, then
7 you can maintain what you have. If they are left unattended
8 for a long period of time, and a wetland does develop, they
9 may not do what they want to do necessarily.

10 MR. VAN HASSEL: Would that be the property
11 owner's responsibility to dredge that area every so often in
12 order to maintain.

13 MS. ROGERS: To maintain what they have, yes.

14 MR. CREAMER: Any other thoughts or comments on
15 the sedimentation-erosion issue?

16 Okay. Frank, do you want to end with a bang?

17 MR. SIMMS: Debris removal. What we're proposing
18 on the study of debris removal is, first of all, is
19 identifying -- and we have a lot of records of how much
20 debris has been removed -- identifying by working with TLAC,
21 the counties and the other people to identify where the
22 debris accumulation is the worst. And I think we've had
23 somewhat of a handle on that over the years because of
24 having the skimmer operation and so on.

25 But the other aspect of it is that we also need

1 to identify what is the goal and objective of debris
2 removal. In other words, so far it has been primarily to
3 get the debris out of the way for recreation and we
4 understand for safety and so on, but a lot of it has been
5 boating driven. But our experience at other facilities has
6 shown that debris is a desired material to accumulate at the
7 bottom of a lake or at the bottom of a river or be allowed
8 to settle.

9 So this is one of those that -- it's not so much
10 that there's going to be so much a lot of field survey or
11 study. But it's going to be more of what are the goals
12 here? What are we trying to get accomplished here? And
13 probably balance the recreation safety with possibly what
14 the fishermen want or the state agencies or the federal
15 agencies. So it's not really an all encompassing study.
16 Again, it's where do we want to go with it. And, once we
17 know the where should we go with it, it's then what are the
18 alternatives to obtain that goal.

19 And right now, from what I'm hearing now there's
20 a lot of alternatives out there, but we're not anywhere
21 close to even looking at those alternatives until we figure
22 out what is the intent of the debris removal. We may find
23 that using one skimmer, like we do, might be enough. Or, as
24 the other gentleman said earlier today, we might find out
25 that 20 skimmers is what needs to be done. But, until we

1 can make those assessments, we need to sit down and figure
2 out where it is we're really trying to go with the debris
3 removal and where are the problems really coming from.

4 MR. MURPHY: With the skimmer, what size material
5 can it remove from the -- that was some pretty heavy-duty
6 stuff at the Leesville Dam yesterday.

7 MR. SIMMS: Everything you saw at Leesville Dam
8 yesterday, we can handle with the skimmer. The skimmers are
9 rather large-type bowl with the conveyer system on it. And
10 I'm going to say it converse to what you heard earlier today
11 we do have a full-time crew of four people on there. Now we
12 do periodically schedule them to work at our power plant
13 later in the year if we have an outage because it gives them
14 step-up pay and they like to get that little bonus. But,
15 basically, we do provide the four-man crew. It's pretty
16 much out there all the time what? Maybe April through
17 October?

18 MS. ROGERS: They come off in the cold weather.

19 MR. SIMMS: But it's got these large fork arms
20 and a conveyer that's continuously going and they control
21 everything with those arms. They come in on the conveyer
22 and then we've got people with chain saws and it's loaded
23 onto the back of the skimmer, which has a conveyer on the
24 back, which takes it to another conveyer, which drops it
25 into a truck, which then takes it over to a burning --

1 usually, in this case for the natural debris, a burning
2 site. And we do get permits to burn. The man-made debris
3 is separated out -- the major man-made debris -- and that's
4 put into dumpsters and taken away. But we have one right
5 now that's utilized for both Smith Mountain and Leesville
6 and we react based on loads or what reports we get.

7 MR. CAMICIA: Question. Bob Camicia with the
8 Lake Association. How do we get to this objective and who
9 decides? It seems to me that's the important matter. How
10 do we decide what the objective is going to be for debris
11 removal? What would be proposed as far --

12 MR. SIMMS: I think the study plan should
13 identify the objective of what we're trying to do. That's
14 one of the seven criteria, if I understand right, for a
15 study plan is what's the goal and objective of the study.
16 What I'm saying, too, maybe to clarify, when we're done with
17 the studies, that's not everything that's done. Now we have
18 to file an application.

19 And we, as AEP, are going to have to prepare an
20 application that addresses all these issues and addresses
21 the study results and basically gives an encompassing
22 proposal as to what to do with all these different things.
23 So, on debris removal, we're going to have to do it as -- we
24 do it as our own environmental assessment and we look at the
25 alternatives and we try to work out the alternatives. And,

1 based on those discussions and those reactions -- excuse me
2 -- propose what makes sense after you look at all the
3 factors combined.

4 MR. CAMICIA: Well, maybe I need to look
5 somewhere else. I was looking in the PAD and I really don't
6 see anything that gives any specifics there.

7 MR. SIMMS: The PAD wasn't meant to give
8 specifics, Bob. The PAD was just to say these are the
9 studies that we think need to be done. Because at the time
10 that we prepared the thing, we really didn't have a lot of
11 specifics. And my feeling was that coming to this meeting
12 here was going to give us a lot of information relative to
13 the specifics that we would provide and the study plans that
14 are due, I think, the middle of April.

15 So, before we go and say we need to do this,
16 this, this and that, and do all that work and put all that
17 detail in, we wanted to hear what are the concerns -- and
18 just like we're doing now, what is really wanted within
19 these study plans. Conversely, there may be studies that we
20 proposed that maybe we should back off and say, well, let's
21 not do it. Let's go in another direction based on what
22 we've heard today.

23 MR. CAMICIA: So the first time we really get a
24 shot at looking at the objective which you're going to base
25 the study on will be when the study plan comes out?

1 MR. SIMMS: You want to answer that?

2 MR. CREAMER: This is Allan Creamer. One of the
3 things that I want to do as soon as we finish this
4 discussion -- the whole idea of study requests -- one of the
5 things when these new regulations were adopted part of these
6 new regulations deal with the content of a study request and
7 there are seven criteria that must be met with these studies
8 and study requests. One of the things that I want to do
9 fairly briefly, once we finish this discussion, is go over
10 what those criteria are and maybe it will help you better
11 understand -- you know, as you're forming the study and what
12 your thoughts are, these are things to keep in mind that
13 will better help put the study plan together. I will go
14 over that as soon as we finish this discussion.

15 MR. SMITH: I have several comments and I add
16 these because I'm not quite sure where they fall in the
17 relicensing process. But we tend to think of debris in
18 terms of natural debris -- the trees, the foliage, the
19 branches and stuff like that. But there are some pretty
20 unusual things that happen and one of the things that I hope
21 that will come out of this process is the responsibility for
22 the usual situations. For example, the TLAC office probably
23 at least once a month has an inquiry about how do we get a
24 dead deer out of the lake or even a dead cow who no one will
25 claim responsibility for.

1 A couple of times a month we get an inquiry about
2 a floating dock that is out in the lake and no one will
3 claim responsibility for it, even if it's a navigational
4 hazard in terms of picking it up. So those are the kinds of
5 things that -- I'm not saying that they're AEP's
6 responsibility. I don't think they are, but we need to
7 define who is going to take the responsibility for
8 responding to situations like that that impact the use of
9 the lake and the health of the lake in the long run.

10 There was an earlier study done about four years
11 ago. I'm not sure that it got included in the survey of
12 earlier studies, but it was of the water quality of the lake
13 and it had a section on debris in Leesville. And, if you
14 don't have that in your list of earlier studies, I'd be glad
15 to get you a copy of that.

16 MR. SIMMS: I think it's in there, Stan. There
17 was a study, I thought, done a few years ago -- a
18 cooperative study on debris removal options for the lake or
19 something.

20 MR. SMITH: Yeah.

21 MR. SIMMS: I think the recommendation on that
22 study, if I recall right, so I know I'm on the right study,
23 was an additional skimmer or something.

24 MR. SMITH: Yes.

25 MR. SIMMS: But there was a study.

1 MR. SMITH: Okay. One of the things that has to
2 be taken into account when we establish the plan for this
3 study is not how do we pick up the debris from the lake.
4 That's the easiest part of it. The biggest part of the
5 problem is how do we get it off the lake? How do we unload
6 it from the barges to a place that we can dispose of it?
7 And that's a serious problem for the lake and becoming more
8 serious each month that goes by. And so it needs to be part
9 of the study on how do we do this. We might well resign
10 ourselves to the fact that there will be more debris on
11 Smith Mountain Lake unless we can get loading sites to
12 unload the debris from the lake.

13 MR. MURPHY: Where is it unload now? You say it
14 went to a truck off the barge -- the skimmer barge or
15 something?

16 MR. SMITH: Let me answer that. TLAC arranges
17 for locations for the AEP to unload the debris from the
18 skimmer and we've used two sources for that. One is Marina,
19 that are immediately effected by the debris. And the second
20 source is Property Owners Association's private boat ramps
21 where we can get the skimmer in to unload it. For the
22 contractors, TLAC has arranged to remove debris from the
23 lake. We've generally found a location that a private owner
24 is willing to let us improve to the extent that we can
25 unload the debris.

1 The marinas are getting more and more resistant
2 to the use of their ramps, even though they're directly
3 impacted, because it ties it up for long periods of time and
4 they can't use those ramps for their normal business. The
5 Property Owners Association has been very cooperative in the
6 past, but they're becoming less cooperative because heavy
7 equipment is involved. We tend to break up the ramps.

8 And, as more and more of these property owners
9 are dominated by second homeowners that aren't on the lake
10 all the time and they're more resistant to having their
11 ramps used for a purpose that they don't totally understand.
12 And so it's getting more and more difficult to find property
13 owners associations that will let us use their ramps.

14 TLAC just did a recent survey of the availability
15 of these kinds of unloading sites and the conclusions were
16 pretty bleak in terms of where we can unload. Remember now
17 that there's a very limited portion of the lake that qualify
18 as reasonable unloading sites. The skimmer moves very, very
19 slowly and you can't take a loaded barge a great distance
20 from the lake to find an unloading dock. So TLAC there are
21 few unloading sites that are available.

22 MS. BERGER: I was going to add that another
23 thing that we found in that study is that were the debris
24 may be located and where our place to unload may be quite a
25 distance away. So that is a problem. You have one area

1 that you have a lot of debris you really need to have some
2 place fairly close to there or you're tying up your time
3 having to bring it down, unload it and then to go back in
4 addition to the problems that could occur in the meantime.

5 MR. WEATHERSPOON: Joe Weatherspoon. Part of the
6 problem to reinforce what Stan is saying is getting rid of
7 some of the debris. I have pulled out parts of a stile, a
8 refrigerator, the box-type refrigerator, approximately 15
9 wheels with tires and other material that I can't take to
10 the dump. The only time I can get it to the dump is on a
11 special day and if I don't get it that then it has to just
12 stay there.

13 We happen to have a spot where we can pull it out
14 and store it. We're one of the few homeowner associations
15 on Leesville that has that capability. But getting rid of
16 it after we get it out of the lake, for some of the items
17 are becoming a problem because nobody -- the Bedford
18 Landfill will not take it except on their special day for
19 melting.

20 MR. SMITH: I'm going to steal Bob Camicia's
21 story. But this last rain storm we took a hot tub out of
22 the lake. Unfortunately, it wasn't anybody using it at the
23 time.

24 (Laughter.)

25 MR. SMITH: It was a bird on it.

1 (Laughter.)

2 MR. CREAMER: And nobody claimed the hot tub?

3 MR. SMITH: Nope.

4 MR. CAMICIA: Nor did they claim the 600 tires
5 and the 350 drums or anything else that came down. So it
6 was lots of stuff.

7 MR. CREAMER: Okay. Do we have any other
8 thoughts or comments on the debris removal study proposal?

9 MR. RUSH: I have a question. This is Bill Rush.
10 If the stuff that's coming down is debris that's clearly not
11 coming from this lake, but coming from the headwaters, does
12 the licensee, under the Shoreline Management Plan, have the
13 authority to fine or charge those people with littering the
14 lake -- I mean, since you have to enforce public safety and
15 stuff. Is that something you can use?

16 MR. SIMMS: Well, let me give you a story. We
17 generally -- and Theresa is going to correct me as I go
18 here. We generally don't look at trying to do the job that
19 the counties should be doing up above the project boundary.
20 But, if someone were to cause a problem in the lake -- and
21 we have an example of that, which I won't get into -- we
22 will work with the county authorities and we will work with
23 the state authorities under their permitting programs, which
24 are more applicable up there, to get it remedied. How does
25 that sound?

1 MR. RUSH: It sounds promising.

2 MR. SIMMS: And it's worked. We have just had a
3 good example of that and it took time, I will say, to get us
4 involved with a couple of agencies. Things don't go real
5 fast, but it has worked. And I think it's worked well.

6 MR. SMITH: Just one other comment. Both the
7 Lake Association and TLAC recognizes that there's a very
8 fine line between removing debris from the lake that effects
9 the safety and recreation of the everybody and destroying
10 wetlands and we're committed to walking that line and not
11 destroying wetlands.

12 MR. CREAMER: Any other thoughts or comments on
13 debris removal?

14 MR. MURPHY: I have one note. Have you
15 considered any kind of resource recovery in terms of turning
16 some of it into firewood or mulch it for like hardwood mulch
17 or something like that instead of burning all of the natural
18 stuff?

19 MR. SIMMS: No. But that's a good suggestion.

20 MR. MURPHY: You could sell that and maybe offset
21 your expense of removal.

22 MR. SIMMS: That's a good suggestion because --
23 I'd like to add this. We don't charge for the debris
24 removal. So, yeah, if we could make a little money out of
25 it -- great.

1 MR. CREAMER: The line maintenance crews on the
2 transmission lines have stuff sometimes provided.
3 Otherwise, count on getting very low quality mulch.

4 MR. HANNULA: Someone a while back mentioned the
5 Niagara Project and how it traps debris and there's no way
6 to remove it. Do you know who the licensee is for that?

7 MR. SIMMS: We are.

8 MR. HANNULA: You are.

9 MR. SIMMS: Yes. I think that's a misconception,
10 first of all, that it's a major -- the Niagara Project is a
11 run of river project and its storage volume capabilities are
12 very, very, very small. I mean, one storm and it's pretty
13 much taken up. It's really not conducive to doing -- at
14 least from what we've seen over the years, it's not
15 conducive as acting as a collection point for what comes
16 down the Roanoke River. Just like this last storm, we went
17 from 1600 cfs to 6900 cfs in 16 hours or 11 hours. And when
18 that occurs, I think everybody in Roanoke looks at as the
19 opportunity for trash day and throws everything into the
20 river that you can imagine.

21 (Laughter.)

22 MR. SIMMS: And it just goes right -- the Niagara
23 Dam is just a free-flow structure. It's an OG press. It
24 doesn't have any control gates, anything like that. It just
25 comes right over it.

1 MR. HANNULA: It's got booms, for example.

2 MR. SIMMS: We have booms and it just doesn't do
3 it.

4 MR. HANNULA: It just seems like collecting it at
5 one point is a lot less expensive and time-consuming than
6 trying to round it up all around the lakes.

7 MS. ROGERS: I guess, logically, too -- this is
8 Theresa Rogers. They have a railroad on one side and we
9 don't have clear access to the other. So, logically, it's
10 not a good area.

11 MR. SIMMS: But I think you're getting the way I
12 was looking at it was, one -- and this even goes to answer
13 the question about where you take the debris out -- is
14 before you could even start evaluating where does it make
15 sense to make the debris out, is let's find out where the
16 debris is coming in and where it's accumulating. And, once
17 you make that determination, then you go into what I call
18 the evaluation where you say, okay, are there properties in
19 this particular area that could be used?

20 Because the skimmer is so slow that, if we had to
21 go three quarters away across the lake in order to pick up
22 the debris and get rid of it, it doesn't work. Because by
23 the time our guys get one load, go over there and come back,
24 the day is over. So that's what I'm saying is, to me, what
25 have you got -- where it's coming from, and then where do we

1 effectively look at the different things that we can do and
2 then let's look at the options, which I'm not going to say
3 Niagara cannot be an option. I'm just saying that on the
4 surface of things right now, to answer your question, it
5 wouldn't seem to be really that good of an option. But
6 we're not going to dismiss it either.

7 MR. SMITH: Stan Smith, again. TLAC does have
8 quite a historic documentation of where the debris has been
9 accumulating and I'm sure that that office would be glad to
10 supply information.

11 MR. BARNES: Lynn Barnes, again. I have to
12 probably over-simplified questions. The first one is for
13 Frank. Frank, does AEP have property any place around the
14 lake that would be an appropriate spot that could be
15 provided for the offloading of debris?

16 MR. SIMMS: We just went through and looked at
17 our properties on the lake. And I think would be surprised.
18 We don't own a lot on the lake property-wise. And it goes
19 back to that same thing I just brought up. Where is the
20 debris being taken and where are the sites that would make
21 sense? Did we find anything there?

22 MS. ROGERS: Nothing good. One place is land-
23 locked. The other is just shallow.

24 MR. SIMMS: I think one was up along side of a
25 birch.

1 MS. ROGERS: Yeah.

2 MR. CAMICIA: It's a big problem. I know Theresa
3 sits in on TLAC meeting with us and the fact that we're
4 faced with is today you go all the way from Indian Point,
5 which is way down the upper Roanoke all the way up to Hardy
6 Bridge and we do not have a guaranteed place to unload. And
7 even if we did unload, really, today we don't burn very
8 much. We had one burn site and we just rid of that. And
9 DEQ has sent the county some nasty letters about stop
10 burning and all that sort of stuff. So I don't think that's
11 a long-haul viable option. It may last for a while, but
12 we're going to have to do chipping or something somewhere in
13 the future to just get rid of this stuff.

14 But the facts are we are -- as Stan alluded to
15 earlier, we just really don't have access today to be able
16 to get the stuff out. And there's no way that the skimmer
17 can transport material all the way -- that must be a good 7
18 miles -- that 7 mile stretch that unless we can talk
19 somebody into temporarily opening up a ramp, which is
20 becoming almost impossible to do, you can't clean the stuff
21 out. And then you get a long stretch of the lake, which is
22 just totally tied up. So we've got that problem on both the
23 upper 3 or 4 miles, maybe 5 miles of the Blackwater and then
24 we've got it for about 7 or 8 miles or so up the Roanoke.

25 MR. BARNES: Which gets into my second question

1 and that's with the counties. Could the counties explore
2 opening up their landfill operations so that once there is a
3 site found and once there is a way to unload it, that the
4 landfills could be better used.

5 MS. BERGER: That's partly been done. Every time
6 we have this when we sit down at the TLAC meetings who's
7 going to take this? Where are we going with this?

8 MR. SMITH: But I heard some limitations as to
9 availability.

10 MS. BERGER: Private owners that takes something
11 in there.

12 MR. NEUDORFER: And I believe that's just for
13 larger materials. I mean, you can put a refrigerator in it
14 any time you can muster it there.

15 MR. SIMMS: Hey, Bud, before you go, I've got a
16 question for you. Since we're talking debris removal, what
17 I'm wondering is what is the agency's view of debris
18 removal?

19 MR. LaROCHE: We went out several years ago when
20 Mike Ball was still here and looked at debris rafts and
21 things like that and tried to come to an agreement of what
22 we considered to be decent fish habitat and what come out of
23 the lake. And I think everybody at that time -- I don't
24 know about now -- was in pretty agreement. We're not
25 opposed to these big rafts of junk being taken out of the

1 lake. What we don't like to see is going into coves and
2 taking out logs that have been there for 20 years on the
3 bottom or trees that have fallen into the lake that are
4 still hung on the shoreline that aren't going anywhere being
5 taken out. Stuff that's valuable to fish habitat. Now
6 these big rafts of stuff, floating around in the lake that
7 become floating safety hazards and things like that, I don't
8 we have a problem with that.

9 So, I mean, I guess it comes down to what's
10 valuable fish habitat and what's not. I think we pretty
11 much -- it probably would be worth our while to get together
12 with you folks again and going out and looking at some of
13 this stuff and see what we think is good stuff and what
14 isn't.

15 MR. SMITH: And we have no problems with the
16 guidelines that TGIF gave us at that point. We didn't want
17 to remove the debris that embedded either.

18 MR. MURPHY: We have a potential wetland
19 disturbance, too, during shallow coves and wetland
20 vegetation.

21 MR. CAMICIA: Actually, most of the equipment
22 that's used it would be very difficult for it to pull stuff
23 out that's embedded -- minimum depth and basically rake the
24 stuff into -- if you're using the skimmer or one of the
25 contractors that's done it. I don't think that's an issue

1 and actually there's more stuff left over. I don't think
2 I've felt in the three years in looking at this on the lake,
3 I don't think I've ever felt that we took out more than what
4 came in during the event. So it just keeps building up.

5 MR. SMITH: The pictures of coves in the bad
6 season of the year -- when we've had rains, the coves just
7 completely fill up with debris. People cannot get their
8 boats away from their docks and you have to be very careful
9 in the evening in order to dodge the debris that's been down
10 the lake. It's terrible looking. It's an eye sore. It's a
11 health hazard. We take hypodermic needles and medical
12 supplies out of this debris and we have to have some means
13 of removing that stuff from the lake.

14 MR. CREAMER: Do we have any other thoughts or
15 comments on debris removal?

16 (No response.)

17 MR. CREAMER: If you don't, I'd like to take a
18 couple of minute break before we get into kind of wrapping
19 this meeting up. Let's take two minutes.

20 (Recess.)

21 MR. CREAMER: Jack had another observation about
22 debris removal, so I'm going to let him talk for a minute.

23 MR. HANNULA: We have a project in South Carolina
24 called the SCGECO Project and it's just above Columbia.
25 It's a very, very heavily developed reservoir and the debris

1 issue came up there. And what they decided to do was to
2 create debris habitat areas.

3 We have a license requirement -- actually it's a
4 requirement to prepare a debris management plan for debris
5 that's been there in a large enough area for a long time to
6 classify it as a habitat for fish and it was written by the
7 agencies and fishing and angler. But it's a basic part of
8 the license right now and they're going through a
9 relicensing.

10 These habitat areas that consist of the debris
11 will be a part of the new license project. So they see it
12 basically as a positive thing happening rather than a
13 negative. Of course, you have more debris here, especially,
14 with the lower reservoir than you do there. But, anyway,
15 that's just a way of looking at it.

16 MS. ROGERS: Who's the licensee?

17 MR. HANNULA: The SCGECO Project. It's the South
18 Carolina Gas and Electric Company. In fact, we just issued
19 an order a couple of months ago requiring a plan for debris
20 management. What you can do is find a cove that's already a
21 wetland area and the debris is natural and deposit to the
22 cove to add to the wetlands. There are a lot of creative
23 solutions to the problem that you have. I thought I'd throw
24 that out.

25 MR. CREAMER: Okay. I think we've exhausted the

1 conversation about the study. I kind of want to begin to
2 wrap this up. We do have another public meeting later on
3 this evening at 7:00. So I want of kind of give ourselves a
4 little bit of a break between the two.

5 The next thing I want to do is I want to go
6 through this study criteria. One of the things that the
7 Commission did when they established the ILP process they
8 laid out specific study criteria. Or criteria that is
9 supposed to be used in the development of study requests.
10 This kind of dovetails into the whole idea of the study plan
11 and how that study plan should be put together.

12 What I want to briefly do is go over that study
13 criteria. There are seven criteria and there's really only
14 been one other project, maybe a couple of projects that have
15 gone through the point in an ILP where they have developed
16 the studies in the study proposal where these things have
17 really been applied. There are two or three others that are
18 just starting into the process. This is going to be the
19 fifth one. So we're still learning about how these things
20 can be applied in specific projects. Every project is
21 different. So we're still kind of learning just like
22 everybody else is about what this process is about.

23 But to go through these real quick, and if you
24 have the package of information that was back on the table -
25 - I believe it's the third page, the second or third page of

1 that. I don't think there's any more back there. I think
2 they've all been consumed. They are in there and these
3 criteria are also available on the Commission's website
4 under -- if you into the ILP link, you will find the study
5 criteria there as well.

6 The first criteria gets to a lot of things that
7 we were talking with these studies -- describe the goals and
8 objective of each study proposal and the information to be
9 obtained. In other words, we need to know why do we need
10 this study and what's the goal, what the objective and what
11 kind of information are we expected to get out of it -- how
12 the information would be applied to the relicensing.

13 Criteria 2 -- if applicable, explain the relevant
14 resource management goals of the agencies or Indian Tribes
15 that have jurisdiction over the resource to be studied.
16 This would apply a lot as far as the state agencies go,
17 federal agencies, local governments that have comprehensive
18 plans that may help identify why this information is needed.
19 So those are the -- you know, you go back to those plans,
20 the resource comprehensive plans, and a lot of times they
21 have identified in there this is what we're trying to do and
22 this is what we need to do to get there. And that's the
23 kind of information where this criteria is relevant.

24 Yes?

25 MR. RUSH: Bill Rush. If the study has already

1 been proposed in the PAD or in the scoping document and an
2 organization or an individual wants to tweak that study,
3 what's the criteria you need to tweak that study? Let's say
4 we think you need to also consider this aspect.

5 MR. CREAMER: I think you're still going to have
6 to -- I think you still have to follow these criteria. Now,
7 maybe not all of them are going to be relevant because you
8 basically agreed with the study that AEP is proposing to do.
9 But you need to explain why you feel that that tweak is
10 necessary. What information will you get that won't be
11 gotten by the original study -- that kind of thing.

12 MR. SIDES: That's exactly the same question I
13 was wondering. So, if we agree that a debris study should
14 be done, would we just say that we think -- the counties
15 feel like the goals and objectives should be so and so,
16 whereas AEP may have different goals and objectives?

17 MR. CREAMER: When you submit a study request for
18 debris removal, you need to go through these criteria and
19 explain and you have address each of these criteria in
20 there.

21 MR. SIDES: Now, if they propose a debris study
22 and the county supported the debris study, we would go
23 through the exact same process?

24 MR. CREAMER: Right. Now your debris study and
25 what you're looking out of the debris study may be different

1 than what AEP's proposing to do. And, if it is, that's
2 where addressing these criteria is important. So these
3 criteria are extremely important when you're doing your
4 study request. I can't emphasize that enough. We'll be
5 looking at the -- an interesting part about this process as
6 compared to a traditional licensing or even ALP, which is an
7 Alternative Licensing Process, for the first time those of
8 who, the Commission staff, we actually wear several hats.

9 We're here conducting a scoping meeting. This is
10 a traditional role for us. Just like you, we are going to
11 be submitting comments on the PAD and the studies. That's
12 something that we've never done before. So we're
13 participants just like everybody else here. So we're going
14 to have to look at these same criteria just like everybody
15 else.

16 Okay. No. 3 -- if the requester is not a
17 resource agency, explain any relevant public interest
18 considerations in regard to the proposed study. Basically,
19 what that is, if you're going to propose a study, you need
20 to explain why it's in the public interest. That's
21 essentially the gist of that criteria.

22 No. 4 -- describe existing information concerning
23 the subject of the study proposal and the need for
24 additional information. In other words, what do we already
25 know, what kind of data is already there, and why do we need

1 additional information?

2 No. 5 -- explain any nexus between project
3 operation and effects -- direct, indirect or cumulative
4 effects -- on the resource to be studied and how the study
5 results would then form the development of license
6 requirements. The underlying theme to that criteria is not
7 everything that's going to be proposed -- and we've seen
8 this in just about every project -- there has to be a nexus
9 between the operations of the project and its impact. If
10 there is no nexus, the Commission has no jurisdiction. So
11 the nexus, the link between a project and its impact is
12 extremely important.

13 MR. SMITH: Can I ask you a question about that?
14 How do you interpret project operations? Are you looking at
15 that narrowly in terms of the generation of energy? Or are
16 you looking at it broadly in terms of the overall project
17 operation, which would include Article 41 in this instance?

18 MR. CREAMER: It's the overall project operations
19 and its impact on various resources. It's not strictly
20 generation. It could be impacts to fisheries, impacts to
21 water quality. So it's a broad look at how that project is
22 operating and what resources are affected.

23 And in the second part of this -- how study
24 results would inform the development of license
25 requirements. Basically, what that's telling you is you

1 need to explain how is this information going to be used and
2 how would it be useful for AEP, for the Commission when we
3 get to make a decision as to what will happen in a
4 relicensing and what conditions to include in a license. So
5 those kind of things need to be explained.

6 No. 6 -- explain how any proposed study
7 methodology, including any preferred data collection and
8 analysis techniques or objectively quantified information
9 and any schedule, including appropriate file, season and in
10 duration, is consistent with generally accepted practice in
11 the scientific community. Or, as appropriate, considers
12 relevant travel values and knowledge.

13 Basically, what the first part of this says, it's
14 very convoluted. But, basically, what this says is any
15 proposed study needs to meet acceptable scientific practice.
16 We need to know that the studies that are being done are
17 sound studies and that if these things were to be challenged
18 in court would they hold up -- or challenged in any other
19 forum would that study methodology hold up under scrutiny.
20 So that's basically the jest of what the first part of this
21 is, is it acceptable scientific practice.

22 The second part of this I'm not sure is relevant
23 for this project is how the study methodology would consider
24 relevant trouble values and knowledge. I do know that there
25 is a couple of entities that AEP is consulting with with

1 regard to the PA, with the Programmatic Agreement, the
2 cultural resource stuff. But what level of involvement
3 they're going to have in the relicensing I really don't know
4 at this point.

5 And the final criteria, No. 7 -- study request
6 must describe considerations of the level of effort and
7 cost, as applicable, and why any alternative studies would
8 not be sufficient to meet the stated information needs.
9 This criteria kind of goes to some of the things that we
10 were talking about in the fish passage and the fish
11 entrainment. This is the criteria that deals with the level
12 of effort. How much is something going to cost? Is there
13 another way to get the same information that may be less
14 costly?

15 These are the kinds of things that -- I don't
16 think any of us here want to necessarily recommend studies
17 that, from a cost standpoint, don't need to be done when we
18 can get the same information in a different manner that
19 might not cost AEP as much or any other the party here
20 that's cooperating in the study or working with AEP in the
21 studies. So that's what this criteria is all about. It has
22 to take into consideration the costs of the study and can
23 that same information be gotten in a different way.

24 So those are basically, in a nutshell, what the
25 seven criteria are that any study request that's made must

1 address. I can certainly try to answer any questions
2 anybody has with regard to the study criteria, whether it's
3 here today or you feel free to give me a call as you're kind
4 of working through this, if you need to ask questions, you
5 can certainly give me a call. The phone number is in the
6 scoping document. It's in the meeting notice as well as my
7 e-mail address. So feel free to use those as you need.

8 Yes?

9 MR. RUSH: This is a question that's related to
10 studies and this is going to be hypothetical. We do a study
11 --- AEP agrees to do a study, comes up with a solution.
12 Let's say it's debris management, hypothetically, and then
13 finds out that the sources of debris AEP is responsible for
14 some, some of the northern counties possibly are responsible
15 and potentially the three counties surrounding the lake are
16 responsible for removal of it. Can a license provision be
17 written that obligates AEP to its portion of it and
18 obligates those other entities to also perform?

19 MR. CREAMER: The Commission only has
20 jurisdiction over the licensee.

21 MR. RUSH: I understand.

22 MR. CREAMER: Hence, the license conditions, the
23 article, cannot in any obligate other parties. We can write
24 a license article that would require AEP to cooperate in
25 whatever effort it may be. That article cannot obligate

1 another party. We can only dictate what AEP's required to
2 do.

3 MR. RUSH: Well, the reason I asked that
4 question, in a way Bud is obligated to work with AEP on the
5 current license to help look at flows and determine ad hoc -
6 - there's an ad hoc way we do things with variances to help
7 to that. So is DEQ. They're obligated at least to
8 cooperate. But that's as far as the provisions will go.

9 MR. CREAMER: A lot of times what you will see in
10 license articles, when it comes to variances and flows,
11 we'll have requirements for certain flow levels. But
12 there's always provisions that, if for some reason, whether
13 it's upon mutual agreement between AEP and other parties or
14 something that is beyond the control of AEP, those
15 provisions can be altered temporarily.

16 Those license articles always spell out who AEP's
17 going to have to consult if they need agreement to alter
18 that provision. It does obligate AEP to consult with X, Y,
19 and Z entities before those decisions can be made.

20 MR. RUSH: Thank you.

21 MR. CREAMER: Sure. Any other comments on the
22 criteria?

23 MR. SIMMS: Can I answer his question a little
24 more? I agree with what Allan said. He's right. We're
25 obligated to go talk to those agencies under various license

1 conditions, but they're not obligated to talk to us just
2 because we give them a call on the phone. If they decide
3 they don't want to talk, they don't have to talk and then
4 we're not going to get the change.

5 The second thing is, if we get to a position in
6 the licensing that there's something that we want to have
7 group commitment to, it doesn't mean that we can't have an
8 outside agreement signed by all the parties that says that
9 they'll do this, they'll do this and you'll do that. And
10 that's either identified in the license as an agreement that
11 exist or at least that we're permitted to doing our part of
12 it.

13 MR. RUSH: But what I was going there was looking
14 after your six -- that means your butt.

15 (Laughter.)

16 MR. SIMMS: My what?

17 (Laughter.)

18 MR. RUSH: Your rear. But, anyway, the reason I
19 brought that up is it would be ashamed to have a debris
20 agreement arrive at where cooperation was going to occur, we
21 expected it to occur and it didn't occur and you were
22 burdened with all of the debris coming in from other areas.
23 So an offline agreement may be an appropriate thing to do to
24 ensure that the watershed benefits from that so that there
25 cooperation. That's a good point you brought up.

1 MR. SIMMS: And you're right. We want to cover
2 our six and our seven.

3 (Laughter.)

4 MR. RUSH: You don't want to go to your seven.

5 MR. SIMMS: That can go off the record.

6 (Laughter.)

7 MR. RUSH: Everything is on the record.

8 MR. SIDES: Just to make sure I'm clear --

9 MR. CREAMER: State your name again.

10 MR. SIDES: Greg Sides, Pittsylvania County. The
11 government and various groups have said that they're going
12 to supply written comments where they request certain
13 studies. Am I correct in understanding that in those
14 written comments, when they say we want a study that looks
15 at so and so, that it should be written to meet this
16 criteria?

17 MR. CREAMER: Yes.

18 MR. SIDES: What happens if someone is very clear
19 in what they want and they go through those ten objectives
20 and issue that to TLAC, but they may not be specific or
21 maybe weak in such as the scientific methodology? What if
22 someone says we want you to look at water release protocol,
23 but is not able to give a detailed proposal in terms of the
24 models to be used? Does that get tossed aside?

25 MR. CREAMER: I guess you do you the best you can

1 do with that criteria. What would happen -- I really don't
2 know. We've had one project where we've gone the route of -
3 - the parties disagreed on certain studies and to the level
4 it went to formal dispute resolution. When that happens
5 there's a panel that convenes that consist of three parties.
6 There is a Commission staff member -- somebody other than
7 those of us here -- somebody that's not even involved in the
8 project. There is an entity from the mandatory conditioning
9 agency that has brought the dispute forward and then the two
10 of them they go out and from a list they will pick a third
11 panel member. That panel will make recommendations with
12 regard to the dispute studies based on that criteria.

13 So, to the extent that you can address those
14 criteria, I encourage you to do so. Now what would happen
15 if you were a little weak in one of those criteria. That I
16 don't know. We haven't crossed that bridge. It's one case
17 to completely ignore it and not address it. It's another
18 case to at least attempt to address it even though you might
19 not be strong in that area with that criteria. I'm not sure
20 what would happen in that instance. But I encourage you to
21 at least make an attempt to address the criteria.

22 Any other questions? Yes?

23 MR. WILSON: Dan Wilson. This is, I think,
24 asking the same question, basically. But I've been
25 wondering about that the last couple of days, especially,

1 yesterday. People are coming up and making -- say, Joe from
2 some homeowners association comes up and makes his study
3 request public here in the last couple of days, how did that
4 come into play -- those list come into play with that
5 gentleman who just thought he made a study request,
6 basically, on record without all that other documentation?

7 MR. CREAMER: That is going to be a problem. If
8 somebody truly wants to request a study, they need to go
9 through the process. It's not going to be enough to simply
10 itemize, well, we need this study to study this study and
11 this study. There does need to be some explanation with
12 regard to these criteria. So a lot of these study requests
13 that were actually proposed will likely be dismissed because
14 of the lack of other -- I don't think so because most of the
15 people -- I'll have to go back and look at my sheet. I
16 think the vast majority, almost everybody said that they
17 were going to be providing written statements as well.

18 Now, unfortunately, this discussion is occurring
19 when we don't have a lot of those people here.

20 MR. WILSON: I think most of the organized groups
21 are probably that way and understand that. But I think a
22 lot of the other people who aren't involved in that weren't
23 quite fully understanding that process. They thought they
24 were putting forth their request and being recorded with
25 such.

1 MR. CREAMER: Well, I mean, they're part of the
2 public record with regard to the study. And I think when it
3 all comes out in the wash most of all of that is going to be
4 something that will have been addressed more formally
5 anyway. From my recollection, I think that will be the
6 case.

7 MR. WILSON: I think most of the topics fell
8 under something else. But, for those who didn't, maybe
9 they're going to come up tonight or something. I guess some
10 of those people are walking away with the idea that theirs
11 has been submitted, which in reality hasn't been.

12 MR. CREAMER: The unfortunate thing is -- I mean,
13 this meeting has been a lengthy meeting and it was designed
14 that way for a reason to kind of get through and flush these
15 things out. And, unfortunately, as we've taken breaks and
16 lunch, less and less people have come back. So it wasn't my
17 expectation with the agenda when I was going to be talking
18 about this that I was going to be losing the vast majority
19 of the people that originally was here. So it is a concern
20 and I'm kind of hopeful that the people here can kind of get
21 that message out to make sure people understand that.

22 Yes?

23 MR. UNDERWOOD: T.J. Underwood, again. I guess
24 he's referring to, in my case, my impromptu request for
25 someone to consider light pollution. I don't know that

1 that's required a study, but my intent was for it to be
2 incorporated in all the considerations that went on in the
3 relicensing process that were being considered. I don't
4 know that that request requires a study in depth. Light
5 pollution is light pollution.

6 MR. CREAMER: Right. If it's something that
7 doesn't specifically need to have a study, I mean, that's up
8 to AEP to take that information and decide how they want to
9 address it. And it may be that somebody else here may take
10 that and incorporate it within something that they do with
11 regard to a study request.

12 MR. UNDERWOOD: But I feel like that does not
13 need a study.

14 MR. CREAMER: No. I fully understand. Like I
15 said, it's unfortunate that as the day has progressed there
16 have been fewer and fewer people that have come back for
17 this particular discussion. So I'm hopeful that maybe that
18 word can get out with the people that are still left here.

19 Okay.

20 MR. LaROCHE: Allan, for clarification, just to
21 make sure I'm clear on this. If you want to tweak a study
22 that's already been incorporated in the scoping document,
23 let's say, for example, one of Longford's surveys, it says
24 the mainstem of the river and we've talked about including
25 the tributaries. We just need to address the applicable

1 criteria for that type thing.

2 MR. CREAMER: I think to the extent that the
3 criteria are relevant to what you wanted and how you want to
4 explain that, yes. I'm not going to sit up here and
5 encourage you to ignore any of those criteria because if you
6 do you run the risk that if there's a disagreement later --
7 if it ends up going the formal route of dispute resolution,
8 it may get tossed because you didn't address a criteria.
9 So, as you're addressing the criteria, I wouldn't suggest
10 you leave anything blank. Maybe something isn't
11 particularly relevant and you can kind of glance over it.
12 But I would at least make an attempt of saying something
13 relative to that criteria.

14 Any other thoughts or comments? Yes?

15 MR. SMITH: Scott Smith of the Games Department.
16 The question I had is can we assume that anything proposed
17 by any of the people for study is going to take place?

18 (Laughter.)

19 MR. SIMMS: Why do you wait until now for a
20 question like that?

21 (Laughter.)

22 MR. SIMMS: Actually, you're not going to like
23 the first part of the answer, but hang on. The first part
24 of the answer is no and the reason I say that is, just like
25 in the discussion that we were having about -- for example,

1 the entrainment. Right now within what we proposed we have
2 an entrainment study that's a tabletop study. Maybe we're
3 going to do something else. Maybe entrainment is not the
4 issue, but the fish in Leesville Lake is the issue and
5 everybody agrees, all right, forget the entrainment study.
6 So, in that case, there you have a no. But, basically,
7 where we said we're going to evaluate or study things, yes,
8 we're going to look at everything that's in there. Does
9 that answer your question?

10 MR. SMITH: I guess the way I was looking at it
11 was for the entrainment study, if we said, well, okay,
12 that's acceptable to us, we don't need to comment on that
13 and you didn't receive any other comments on it one way or
14 the other, would that study actually take place or is there
15 a chance that you would say -- or should we go ahead and
16 specify every study that we'd like to see, whether it's
17 listed already or not and whether we think we'd like it
18 modified or not? The power company may say since nobody
19 comments then nobody really cares and we don't really need
20 to do it.

21 MR. CREAMER: I've seen this go two different
22 ways in the first two projects. The ILP actually,
23 regardless of what was proposed, everybody was very specific
24 in identifying study needs, whether or not it was proposed
25 or not.

1 The second project that has gone through this and
2 has gone through this stage of the ILP, they had pretty much
3 so reached agreement on the studies. Therefore, when it
4 came time to submit study requests, they didn't. They had
5 already had their agreement in terms of what studies were
6 going to be necessary and so they didn't really get into a
7 lot of that detail. This is one that probably sits
8 somewhere in between at this point. So I would err on the
9 side of caution.

10 If you think a study is necessary, you request it
11 with the understanding that AEP maybe proposing the same
12 thing, but may propose something a little bit different. So
13 that way nobody is missing and something won't fall through
14 the cracks that way.

15 MR. SIMMS: I'd like to add one other thing, too.
16 What we have in the past was very loose. And, basically, in
17 my mind, it was identified maybe not necessarily studies but
18 where more information needed to be obtained and how we
19 would go out and get that information. In a lot of cases,
20 we may just say we're going to go out and get more of what's
21 readily available. So, when our study plans actually come
22 out, you may find that a lot of those things that we said
23 we're going to go out and more information may even be
24 intertwined under one study plan. There may be five or six
25 different things that we're doing that are in, let's say,

1 the water quality study plan. That's what I would look for.

2 MR. CREAMER: The other thing too is there's five
3 weeks between now and the end of February, March 1st. There
4 isn't anything to say that any party here cannot dialogue
5 with AEP over study proposals to try to like hammer out and
6 get a little bit closer. At some point we will have a study
7 plan meeting where at that point we are going to try to
8 finalize what that study proposal is. But there isn't
9 anything to say that between now and then that anybody
10 sitting around this table cannot dialogue with AEP about
11 their proposed studies.

12 Yes?

13 MS. VANDERJAGT: I just want to make a comment on
14 the process plan and schedule. There's the study plan and
15 there's comments for the study plan and there's a revised
16 study plan and comments to revised study plan. So the study
17 plan is not in stone. When it comes out there's a lot of --
18 a couple of months tweaking going on before it does finally
19 come out.

20 MR. CREAMER: At some point in time the
21 Commission is going to -- after all this give and take, the
22 Commission is going to come out and make a determination
23 these are the studies that AEP is going to have to do. And,
24 once the Commission does that, AEP is obligated to do what
25 is in that study proposal.

1 Anything else on the study -- Frank?

2 MR. SIMMS: One thing, too, you may hear from us
3 and it may be we're going to have to sit down and see how we
4 want to approach all this. A lot of this is new to us, too.
5 And you may hear from us to say, okay, let's sit down and
6 talk about what we're thinking and what you're thinking
7 separate from this. I think we have that ability within
8 this process. The way we look at it, though, is we like to
9 make sure we have those parties that should be involved all
10 involved so there's no surprises or whatever. So you may
11 hear from us in that regard, too.

12 MR. CREAMER: Anything else on the study criteria
13 before I get into my last thing for the day?

14 (No response.)

15 MR. CREAMER: Okay. I will tell you this is the
16 longest scoping meeting that I have ever been involved with.
17 All of these things I told you yesterday -- normally, we get
18 out. We do our thing. We get comments and we all go home.
19 That's not what this was about.

20 MR. LaROCHE: Is that good or bad?

21 (Laughter.)

22 MR. CREAMER: I don't know. You tell me.

23 MR. LaROCHE: It's good.

24 MR. CREAMER: I thought this has gone very well.
25 The way we've been able to dialogue I thought we've done

1 good.

2 The last thing I wanted to briefly go through,
3 and I'm not going to go through every date, is the process
4 planning schedule. It's Appendix A to the scoping document
5 and this kind of gets into the next steps. Where do we go
6 to from here.

7 This process plan, as it's been put together at
8 this point, is something that we as Commission staff have
9 worked with AEP and I know AEP has discussed with other
10 parties in terms of these dates. The dates in this process
11 are the dates that are based on regulation requirements. So
12 it's important for everybody to understand the importance of
13 these dates, the schedule. The schedule can't slip. It's
14 important for people to understand that when something is
15 due it's due.

16 One of the things I mentioned last night or last
17 evening the first six to eight months of this process,
18 depending upon what happens a few months down the road, is
19 extremely intensive as far as providing input and working to
20 get the study plan put together so that AEP can start to do
21 the work. So it's important to understand these dates and
22 the importance of actually meeting these dates.

23 When the ILP was put together, we heard a lot of
24 comments from other parties that there isn't enough
25 structure in the process from the standpoint holding parties

1 to meeting certain dates, so the process would drag. It
2 would drag on and on and on. This ILP was designed to
3 prevent that from happening. So, when the train leaves,
4 it's going to leave. And, if you're not on it, I'm sorry.

5 There's flexibility built into it to a certain
6 extent. But you've got to understand that when the train
7 leaves the station, it's going to leave. So I'm not going
8 to go through every detail of what's in this process plan.
9 And, believe me, if you look at the process plan, these are
10 only key dates.

11 If you look at that flow chart, and you were here
12 last night and you saw the flow chart, there is a lot more
13 to it than these specific dates, but these are the keys one,
14 for the most part, that everybody needs to be aware of.
15 This is also something that is fluid, this process plan.
16 And I say that only from the standpoint that, if, as we go
17 through this process, something comes up that was unforeseen
18 that prevents us from getting to the next step, then we need
19 to sit back as a group and take a look at this process plan
20 and see where and how we need to revise it.

21 But, like I said, I do not expect that that is
22 going to be a common thing. I don't want it to be a common
23 thing. This is just something to keep in mind. If it needs
24 to be looked at for some reason, it can be looked at. But,
25 as it is now, these dates -- as you go through it, if

1 there's concern with these dates, it's important to bring
2 them forward now.

3 But the one thing to keep in mind, these are
4 dates are required by regulation, which means we can't
5 expand out from those dates. We can only do things within
6 the date. In other words, we can move a date up. We can't
7 move a date back unless there is something preventing us
8 from getting to that next step. So that's something to keep
9 in mind.

10 But I'm not going to go through specifics. There
11 is a pre-filing and a post-filing process plan. The
12 post-filing is not a requirement in the regulation. I've
13 included the post-filing process plan here only because
14 we're obligated in this process just like everybody else.
15 So the post-filing process plan is primarily, if you look at
16 it, spelling out the dates of things that we need to meet as
17 well as comments on the environment document.

18 Now the one thing that I want to make sure, and
19 I'm not sure we have the right people here. I know we've
20 lost one already. From the agency standpoint, I want to
21 make sure we're clear on -- there's two important parts to
22 this process plan as far as state process and Fish and
23 Wildlife Services process. Fish and Wildlife Services has
24 Section 18 authority, which is fish passage. They also have
25 under their jurisdiction the threatened and endangered

1 species, Section 7 consultations. Those are two processes
2 that currently are built into this process. We've
3 identified most of that as all post-licensing. That's
4 something that, as I understand it, we're okay with them.

5 The other one is the Department of Environmental
6 Quality and the 401 certification. It's my understanding
7 that AEB has consulted the DEQ and the dates that we have
8 identified in here for when the 401 application will be
9 filed has been agreed to and everybody is okay with those
10 dates. I also understand, I guess, Virginia has their own
11 requirements for requirements for deadlines for processing.
12 Federal law allows up to a year for state agencies to take
13 action on a 401 application, but I believe that Virginia
14 might have something less -- under their statute, something
15 less than a year. Is that correct?

16 MR. SIMMS: I'm not sure.

17 MR. CREAMER: Okay. Some states will have 60
18 days under their state statute -- 60 days or 90 days as
19 opposed -- and they go by that as opposed to the federal
20 statute. I'm not sure where Virginia falls out, but I've
21 laid it out here. We have dates in here for when the
22 application will be submitted and when the DEQ is required
23 to take action.

24 All right, having said that, what I want to
25 briefly do is kind of go through, real quickly, the next

1 steps, hitting some of these dates. I'm not going to hit
2 all of them. The next step for the participants is to
3 prepare the comments on Appalachian Power's PAD and the
4 Commission's SC1, that's Scoping Document 1, and to provide
5 study requests. That's what we've been talking about.
6 These are all due March 1, 2005.

7 The study requests should be developed now with
8 respect to each of the participant's particular concerns
9 after reviewing the information contained within the PAD,
10 listening the comments received at the scoping meetings and
11 determining what information is needed in order to properly
12 address their concerns. And, as I said, those study
13 requests should identify or address the seven criteria that
14 we went over earlier.

15 After the study requests are submitted on
16 March 1st, Appalachian Power then has 45 days to file its
17 proposed study plan. That essentially puts that at, I
18 believe, April 14th or April 15th, is when they're due to
19 file their proposed study plan. That proposed study plan is
20 expected to be developed based on the submitted study
21 requests. So that's why I'm saying it's important if you
22 have something specific as far as studies, it's important
23 that we have them.

24 Also, during this 45-day period, we will issue a
25 Scoping Document 2. And that Scoping Document 2 is simply

1 for informational purposes only. What it will be -- as we
2 go back and evaluate what's been done or what's been said at
3 the scoping meeting and we need to revise the issues -- the
4 list of issues, the list of studies that's what Scoping
5 Document 2 will do. It will be basically an updated Scoping
6 Document 1. And that's something we'll do after we've
7 looked at it. As we deem it necessary to do it, we will
8 issue Scoping Document 2. There have been cases where it
9 hasn't been necessary and we don't issue it. We will issue
10 a letter stating that, but we won't issue a Scoping Document
11 2.

12 Within 30 days of filing the proposed study plan,
13 Appalachian Power must host a study plan meeting. This
14 meeting is designed to allow all interested parties an
15 opportunity to discuss and provide feedback to Appalachian
16 Power on the proposed study plan.

17 The regulations only require one meeting.
18 However, written comments on the proposed are not due for 90
19 days following that proposed study plan -- the proposed
20 study plan's filing date. This essentially allows for time
21 for additional meetings. So right now we're planning on one
22 meeting. That date is May 15th as of right now -- give or
23 take a day or two. That's not to say that we don't have
24 time for additional meetings if we think they're necessary.

25 That's essentially a snapshot of where we are

1 headed in the next three to four months. So, with that, are
2 there any other questions on the process plan and where
3 we're headed to in the next few months and what everybody's
4 going to have to do to get there?

5 (No response.)

6 MR. CREAMER: I guess that's going to bring this
7 meeting to a close and we would like to thank everybody for
8 taking the time to come out and present your concerns and
9 thoughts and participating in this scoping process. The
10 information has been helpful. At least, it's been helpful
11 for me to understand what the issues are. And it was good
12 to get out yesterday to actually see the sites that I not
13 actually seen either the project or the development.

14 We got out of here a little bit before 5:00.
15 We'll hang around for a little while if anybody wants to
16 talk to us individually. Otherwise, I would encourage you,
17 if you want to come back at 7:00 o'clock, we'll be having
18 another one then. We get to do this all over again.

19 (Whereupon, at 4:27 p.m., the above-referenced
20 matter was concluded.)

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