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BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

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IN THE MATTER OF: : Project Number
DRAFT ENVIRONMENTAL ASSESSMENT FOR : 2984-042
THE EEL WEIRD HYDROELECTRIC PROJECT :
- - - - -x

Windham High School
406 Gray Road
Windham, Maine

Thursday, August 18, 2005

The above-entitled matter came on for public
meeting, pursuant to notice at 7:11 p.m.

MODERATOR: ALLAN CREAMER

P R O C E E D I N G S

1
2
3 MR. CREAMER: I guess I'm going to stand down
4 here. I don't really feel comfortable standing up on a
5 stage.

6 I would like to thank everybody for coming out
7 tonight. I hope everybody is in the right place. We're
8 here to talk about the eel weir project and the Draft
9 Environmental Assessment that was recently issued.

10 What I'm going to do -- I don't really have that
11 much of an agenda. So this is kind of going to be an
12 informal meeting. What I want to do is briefly run through
13 some introductions, and then we're going to talk about a few
14 ground rules that are going to pertain to the meeting. I'm
15 going to briefly run through what our recommendations were -
16 - or what they are as we've identified them in the EA. And
17 then I'm going to open it up for you all to tell us what you
18 think.

19 There are -- The purpose of why we're here
20 tonight, as I stated, is to talk about the Draft
21 Environmental Assessment that the Commission issued --
22 Commission Staff issued for the eel weir project. This
23 project S. D. Warren filed their application what would be a
24 little over three years ago now. And under normal
25 circumstances we would have had this thing completed. But

1 it's been a little delayed. And the EA finally was issued a
2 few weeks ago.

3 There is a team of us at the Commission that
4 worked on this EA, as well as some contract staff. There
5 are three of us here tonight. My name is Allen Creamer. I
6 am actually the project coordinator for the project and
7 responsible for the fisheries and aquatics and the water
8 quality analysis.

9 With me this evening is, on the far right, is
10 John Hart. He is with our contractor. He is a hydrologist.
11 And he is primarily -- Contractors primarily are responsible
12 for the analysis related to the lake level management plan.
13 So a lot of that, John has done.

14 And Peter Foot; he is a contactor as well. He I
15 a fisheries biologist and he did a lot of the other aquatics
16 work, work pertaining to the lake level management plan.

17 And there is a complement of Staff, terrestrial
18 Staff, engineers, that aren't here this evening but they are
19 there and did put some time in doing this, putting this EA
20 together.

21 A few ground rules. Number one, we have a court
22 reporter here, as you can see. So anybody that wants to
23 comment, I'm going to ask that they come up here and use the
24 microphone and be clear and state your name so that we have
25 that for the record. It will make his job a little bit

1 easier.

2 The restrooms, I think I saw them on my way in.
3 If anybody needs a restroom at any point, I think they are
4 just kind of out there to the right.

5 One thing that we're not going to talk about
6 tonight is -- and not that we wouldn't want to talk about
7 it; we can't talk about it -- the issues pertaining to the
8 flooding that occurred this spring. There is a pending
9 proceeding that relates to a lot of your calls and letters
10 that have come in, and an investigation. We are not at
11 liberty to talk about that. So that is one thing that I
12 would ask that you all refrain from asking questions about.
13 And to the extent that, you know, that any comments you have
14 pertain to that, I would prefer that that proceeding be kept
15 separate from what we're doing tonight.

16 Okay. What we've got in the EA real briefly I'm
17 going to run through.

18 Before I forget it, I understand that there has
19 been a problem with the mailing of this document. We
20 brought 14 copies with us. There are still I guess five
21 copies up here, if anybody wants a copy of this EA.

22 The gentleman in the back. John, one of them
23 goes in the back.

24 Okay. Now I don't have to take those back.

25 If there's anybody else that needs or wants a

1 copy, let me know and we'll try to get one in the mail to
2 you. I have no idea what happened with the mailing, but
3 these things should have been mailed out.

4 Okay. Now what did we recommend in the EA?
5 Basically what we recommended, after 256 pages of analysis,
6 we essentially recommended that we -- to continue with S. D.
7 Warren's proposal as they identified it in their application
8 with a few modifications and/or additions as far as Staff
9 recommended measures. So what I'm going to do is I'm going
10 to kind of run through them real quick and then I'm going to
11 open it up to the floor.

12 As far as the lake level management plan is
13 concerned, I know I've received questions about this. There
14 was some kind of question as to what we were actually
15 recommending. We are in the Draft Environmental Assessment
16 essentially recommending sticking with the existing lake
17 level management plan with a few minor changes. And those
18 minor changes -- there's four of them -- one of them
19 pertains to the spring fill target, 266.65 on but not before
20 May 1st with a -- and this is where it's going to be
21 different: There is an allowable range, but that range only
22 goes down instead of up. Right now the spillway crest is at
23 666.65. We're recommending that they can -- that when they
24 reach that they are not top that spillway crest. That's one
25 change.

1 Another change that we're recommending is that
2 spillway crest be maintained from May 1 to the third week of
3 June now, which is an additional week over the existing
4 plan.

5 Part of S. D. Warren's proposal was to establish
6 a three-inch dam around the August 1 target date. We are
7 recommending that we go with that. That is not so much
8 changing operations as it is more of a compliance, you know,
9 in terms of long term compliance. They've never -- You
10 can't -- The way we've figured this is that -- and if you
11 look at the record, you can't get a target date on one
12 specific day. So this is an operating band that gives them,
13 from a compliance perspective, a little more leeway in
14 complying with the license.

15 And then the fourth change to the lake level
16 management plan was actually a recommendation that came in
17 from the State of Maine and it has to do with the spring
18 fill-up and the elevations that are maintained. We're
19 actually recommending that those elevations during the
20 spring fill-up be maintained at the historical average, 1910
21 to '86 average, which is a little bit higher than what it is
22 now.

23 VOICE FROM THE AUDIENCE: I'm sorry, sir, I can't
24 hear you on those numbers, the last number you just said.

25 MR. CREAMER: The last thing that I said -- the

1 fourth thing that we're recommending as far as the change to
2 the lake level management plan has to do with the winter and
3 spring -- the spring fill-up. In other words, we're
4 recommending a change that would maintain the elevation at
5 the 1910 to '86 average elevation, which is a little bit
6 higher than what currently is -- S. D. Warren commonly
7 maintains.

8 We are recommending that S. D. Warren develop a
9 project operations and compliance monitoring plan. There
10 would be several components to that, some of which S. D.
11 Warren had proposed, some of which we added that pertains to
12 bockman and flows in the White Haase reach.

13 Another component of it would be require S. D.
14 Warren to continue to work with upstream owners, empowering
15 the pond owners upstream in terms of (inaudible) operations,
16 requiring them to work with other individuals as concerns
17 flood control.

18 And then another one of their proposals was to
19 use the station capacity at its fullest at 1000 cfs. And
20 the idea there would be to recirc any adverse impacts in the
21 bypass reach with additional flow that would be going down
22 there with recreation, angling and some support.

23 We are recommending a change in the minimum flow
24 to bypass reach. It's not a significant change. It's a 25
25 cfs change that would be an additional 25 cfs over what they

1 currently do. It's still a seasonal minimum flow, so we're
2 not radically changing it; we're just adding 25 cfs to the
3 requirement.

4 We are recommending that S. D. Warren develop and
5 implement an American eel passage plan. We will also
6 recommend that the Commission reserve Interior's authority
7 to require -- or the Commission's authority to require fish
8 passage that Interior may prescribe at some later date.
9 That's a pretty typical thing that we include in licenses.

10 We're recommending replacing the existing
11 wetlands monitoring program, which was an annual program.
12 We're recommending that S. D. Warren continue that but do it
13 on a five-year cycle.

14 We are recommending that S. D. Warren develop a
15 shoreline management plan -- not a traditional shoreline
16 management plan but something that would be designed to
17 protect riparian shoreline areas, wetlands, that kind of
18 thing.

19 We're recommending that they develop a shallow
20 water boat launch in the Sebago Basin; conduct recreation
21 monitoring that's consistent with our FERC Form 80
22 requirements.

23 We're recommending that they execute a
24 programmatic agreement which would implement a historic
25 properties management plan. The idea there is to -- this

1 particular recommendation is designed to protect cultural
2 resource sites, historic property sites that are located
3 around Sebago Lake.

4 And then finally, one of the S. D. Warren's
5 proposals was to -- anything that they developed would be
6 developed in such a way that it would meet the aesthetic
7 character of the environment that it's in.

8 So that's kind of a quick rundown of what we were
9 recommending in the draft EA. I think at this point I'm
10 going to shut up.

11 MR. WHEELER: I have a question.

12 MR. CREAMER: We have a question.

13 MR. WHEELER: There seems to be a change in the
14 two- and nine-year --

15 MR. CREAMER: Your name?

16 MR. WHEELER: Oh. Roger Wheeler, Friends of
17 Sebago Lake.

18 MR. CREAMER: Would you come up?

19 MR. WHEELER: Roger Wheeler, Friends of Sebago
20 Lake.

21 My question is in the two- and nine-year it used
22 to be that it would be done between November 1st and January
23 1st. I see a change; now it's on or about December 1st.
24 Can you elaborate on that?

25 MR. CREAMER: We are not recommending any changes

1 to that two and nine years. We were not recommending a
2 change from November 1 to December 1. I don't know if the
3 DEA was clear with that, but we were not recommending any
4 changes.

5 MR. WHEELER: Just please check, you know, to
6 make sure that the language is the same because I read it as
7 being on or about December 1.

8 MR. CREAMER: We will look at it. I guess Pete's
9 actually looking at it now.

10 Any other questions before we open it up to the
11 floor? I've got -- Well, I had eight, I might have nine
12 now, individuals that wanted to speak. Any other questions
13 before we start with the speakers?

14 (No response.)

15 MR. CREAMER: Okay. Seeing none, the first name
16 that I have here is Robert Kaleo.

17 MR. KALEO: I'll pass. May I pass?

18 MR. CREAMER: Okay. He wants to pass.
19 Robert Hennick.

20 MR. HENNICK: Right here.

21 My name is Bob Hennick, Sebago Property Owners
22 Association representative.

23 I would like to make a comment on that two and
24 nine years. At 261 our grouper area is drained completely
25 dry. Okay? Now this is a wetlands area and I think the

1 level, if it went down to 262.5, is adequate to keep at
2 least some water over the whole area. Here again, the
3 national model is to preserve our wetlands. And with this
4 area, which is I would estimate almost 1000 acres up there,
5 being completely dry is I don't think very indicative of
6 preserving wetlands.

7 Can you people comment on that? Have you
8 considered at 261 how dry the Muddy River area is from the
9 Route 114 bridge to Lake Cross Road? And this is probably
10 true of Sticky River, but I have no data on that.

11 Thank you.

12 MR. CREAMER: I don't know how much I can comment
13 on it. Our terrestrial person is not here. I do know my
14 experience with wetlands is, you know, naturally they're not
15 always inundated. They're not always in a saturated soil.
16 But to what extent that specific area was looked at, I don't
17 know. That's something that we'll have to bring back to our
18 terrestrial person and see what they did.

19 MR. HENNICK: We have photos. Charlie has photos
20 showing that there's only a ribbon of water coming down that
21 216.

22 MR. CREAMER: If you have -- whatever you have.
23 If you have photos and that's something that you want to
24 attach to your comments if you're going to do written
25 comments --

1 MR. HENNICK: Yes.

2 MR. CREAMER: -- I would suggest, you know,
3 attaching those photos.

4 Real quick. Roger's question about the two and
5 nine. As we're looking through this we noted that the
6 specific thing that you mentioned about changing it was the
7 State's proposal, and it was not part of the State's
8 proposal that we were going to recommend. I don't know at
9 what point -- At what point in the document did you see
10 that? Was it at the very beginning?

11 MR. WHEELER: It was in the Staff's
12 recommendations that they would follow.

13 MR. CREAMER: At the very beginning of the
14 document?

15 MR. WHEELER: At the end, around 200 -- in the
16 200s.

17 MR. CREAMER: We'll keep working. But I did know
18 that that was part of the State's proposal and it was not
19 our intent to change that. I think we address it -- I know
20 we address it in the environmental document and I think we
21 for various reasons nixed that. We didn't think
22 environmentally it was a good thing to do, to change that
23 date.

24 Okay. The next person I have is Charles
25 Frechette.

1 MR. FRECHETTE: Charles Frechette from Sebalic,
2 Sebago, Maine

3 The real problem that I have is with the two and
4 the nine years, going to the 261 level. In most of the
5 documents FERC recognizes that the 261 that has already been
6 reached has not returned any substantial sand back to the
7 beaches. And I would question how much of a difference
8 between 261 and 262, if anybody could even quantify what the
9 long term difference would be between going to 262 as
10 opposed to the 261.

11 FERC, in your own document, mentions the
12 difficulty -- and I think S. D. Warren Company has a problem
13 with it. If you're going to 261 it is difficult to ensure
14 you wouldn't get that close to full pond in the spring. And
15 that's certainly an issue for me.

16 261, we spent a lot of time trying to get eels up
17 into the lake. I'm having problems with that. The State of
18 Maine only starts 1000 six- to ten-inch salmon a year in
19 Sebago Lake because we already have too many mouths to feed.
20 And so by going to 261 in two out of nine years you're
21 taking and dewatering all the shallow water areas of the
22 lake, and that's where the eels typically reside. So we're
23 digging and spending all this effort to get eels into Sebago
24 Lake and then your document says that there 2,707 acres of
25 shallow water habitat in a lake that's being dewatered.

1 That's pretty much all of the shallow water
2 habitat that we have on Sebago Lake.

3 Now I do have a picture here from Sticky River at
4 262 1/2. Now Sticky River -- that was taken in September of
5 '95. Sticky River also has a lock here underneath the
6 trestle. So that's pretty much as low as it can get. At
7 261 there would be even larger areas of that. So I have a
8 problem with Sebago Lake going to 261 the two out of nine
9 years from a recreational standpoint in that it doesn't
10 ensure that we're going to get back up and have a boating
11 season the next year.

12 And I also have it from a fisheries and a
13 wildlife standpoint from the dewatering of the wetlands. I
14 find it a little bit controversial when the State plan,
15 which recommended slightly higher upper limits in the late
16 summer and early fall levels, was denied because of issues
17 with dissolved oxygen in the Presumpscot River which, if you
18 take the 25 miles by 100 feet, it comes out to roughly about
19 300 acres of habitat. You're taking and dewatering 2000
20 acres of water in Sebago Lake of this kind of habitat and
21 saying that there's no significant impact.

22 If there's no significant impact when you do
23 something like that, how can there be significant impact in
24 those small dam areas down on the Presumpscot River with the
25 lesser dissolved oxygen.

1 Data March when the bypass reach was first being
2 considered calculated that the natural 7Q 10 flow for the
3 Presumpscot would be 3000 cubic feet per minute. Currently
4 we're at 15,000 as a minimum flow. Prior to 1986 the
5 minimum flow was 10,000 cubic feet per minute. At that time
6 I don't think S. D. Warren Company had reams of paperwork
7 that were sent in saying that there were fish kills, there
8 were fewer bats, there were fewer eels, there were fewer
9 yellow perch in behind the flows at Gambo and some of those
10 other things.

11 So the reason for not allowing those water levels
12 in that later summer/early fall level because of dissolved
13 oxygen issues, to me it didn't really add up when you look
14 at, you know, the dewatering of all this habitat in Sebago.

15 A lot of people I think have said that the
16 marinas and the boaters want higher water. But our real
17 concern has been the low water on this lake. Below 263 1/2,
18 almost all the areas around the lake start getting impaired
19 when it comes to boating. Nobody wants high water as we had
20 this spring on Sebago Lake. As I said, for us the real key
21 is the lower water, and that's what we've been fighting, is
22 the lowering of the lake.

23 In your recreational analysis you went back and
24 you looked at I think the last five or seven years that the
25 plan has been in effect and said that there really wasn't

1 any -- there were no significant impacts. You need to go
2 back and look at times like 1985. You need to go back and
3 look what happens if the lake doesn't get back up from the
4 261 that you dewater in November because there is a
5 possibility that, like in 1985, we started with a high water
6 mark of 263 1/2 and it went down from there.

7 In 1985 the minimum flow was 10,000 cubic feet
8 per minute. Now that's almost doubled.

9 So when you find no significant impacts with
10 current LMP, you need to kind of maybe go back a little bit
11 farther and see what can actually happen on Sebago Lake.

12 I guess that's pretty much it. I, as I've said,
13 the real thing that I find at issue is the two and nine
14 years.

15 MR. CREAMER: Thank you.

16 The next person I have here is Steve Nicole.

17 MR. NICOLE: I'm going to just reserve and maybe
18 speak later, if I could.

19 MR. CREAMER: Okay.

20 Charles Bragdon.

21 MR. BRAGDON: Yes.

22 MR. CREAMER: Did I say that right?

23 MR. BRAGDON: Yes, you did.

24 Would it be possible to go later?

25 MR. CREAMER: Not much later.

1 (Laughter.)

2 MR. CREAMER: Okay. Nathan Whalen.

3 MR. WHALEN: My name is Nathan Whalen and I work
4 for the Public Water District. I have a question about
5 something you mentioned earlier about keeping the spillway
6 crest from May 1st to the third week in June. Is that
7 something you recommended?

8 MR. CREAMER: One of the things that we
9 recommended in the changes in the lake level management plan
10 was -- as it is right now, S. D. Warren can go above that
11 spillway crest and still be in compliance. One of the
12 things that we're recommending is to set the high end at the
13 spillway crest so that if they go above that they would be
14 in non-compliance.

15 MR. WHALEN: I guess my question was the duration
16 of that spillway crest.

17 MR. CREAMER: The duration of what we're
18 recommending would go from when they -- I guess it would be
19 the May target date when they're supposed to be there to
20 fill it at 266.65 through the third week of June. So it
21 would be similar to what the existing lake level management
22 plan is for that period of time, except for extended for a
23 week.

24 MR. WHALEN: Okay.

25 It was also mentioned on here a three-week period

1 when they could be that high at the spillway crest?

2 MR. CREAMER: That is the current option.

3 MR. WHALEN: I think May 1st to the second week
4 in June.

5 MR. CREAMER: Tom, correct me if I'm wrong. When
6 are you supposed to be a 66.65?

7 MR. HOWARD: In May.

8 MR. CREAMER: May 9?

9 MR. HOWARD: May 1st to the middle of June.
10 During that period we can only be at the full mark for three
11 weeks.

12 MR. CREAMER: So essentially we're not
13 recommending anything different except for we're going to
14 say that they can't go above that spillway crest now, and
15 now we're going to go into the third week of June instead of
16 the second week.

17 MR. WHALEN: And I also wanted to mention that
18 the Water District is working on comments to the draft and
19 will be submitting those comments.

20 MR. CREAMER: Okay. Thank you.

21 Okay. The next name I have here, Wallis
22 Hazleton.

23 MR. HAZLETON: Thanks. My name is Wallis
24 Hazleton, and I've been living over at Long Beach, Sebago.
25 Basically my history is 60 years at that point. And I've

1 seen a lot of changes here.

2 One of the first things that is a problem to me -
3 - and maybe this is the wrong time to address it -- but I
4 once had a nice beach out in front of our house. Well,
5 right now I have no beach. I have a lot of water. And I
6 have a disability such that it's very difficult for me to
7 get down across rocks, which I can't. And my question is --

8 I called the DEP and spoke with Will Cook, and they say
9 that they're going to let me put back ten feet, which I do
10 not think is fair.

11 The other thing I don't understand is I hear all
12 of these levels as far as numbers -- 262, 266, 266-point-so-
13 and-so. Something that I don't understand is, as I said, I
14 grew up pretty much there on Long Beach and I know rocks
15 that are down near the Spaulding Estate which used to be out
16 of the water, because Dr. Marlins and I used to put our
17 canoe on there and go diving. You can go down at the Camel
18 Pasture as to what rocks down there were out of the water.
19 Don't see them any more.

20 There were some rocks out in front of our place.
21 At the end of July through the first part of August you
22 could put your towel on those rocks. I haven't seen them
23 for about 12, 15 years. So I don't understand that.

24 And I have pictures of my beach -- our beach --
25 family beach, basically -- being washed out this spring. So

1 I just don't understand about these levels that you're
2 speaking about, it being too low or too high.

3 I mean once upon a time you'd take a canoe and we
4 knew for a fact that at the end of July, first part of
5 August that you could not go around the first bend of the
6 Northwest River because the canoe was drawing too much
7 draft. Well, it's been plowed and dredged out. Okay, fine.

8

9 But there's another point where the water is, as
10 high as it is, creating a problem. So, anyway, if anybody
11 has any idea what I can do about my beach, let me know.

12 MR. CREAMER: Thank you.

13 Okay. Roger Wheeler.

14 MR. WHEELER: Before I begin I have a question on
15 the 266.65. FERC Staff writes that:

16 It would be okay for
17 them to go over this for emergency
18 conditions.

19 What are those emergency conditions? You don't
20 have to answer now but at some point those need to be
21 clarified.

22 Also FOSL will soon submit likely responses to
23 the Draft Environmental Assessment for this Project 2984.
24 I'm the president of Friends of Sebago Lake, and I'm just
25 going to speak on economic issues. We've been through

1 everything else. And this is sort of something that FERC
2 has failed to really address fairly.

3 The Friends of Sebago Lake are very disappointed
4 with the recommendations of the Draft Environmental
5 Assessment. The FERC recommendations will continue to
6 accelerate the environmental degradation of Sebago Lake.
7 Economically, the recommendations are conspicuously flawed.
8 FERC has incorrectly addressed the impacts of their
9 recommendations on the present and future economy of Sebago
10 Lake.

11 Because FERC justification for Staff
12 recommendations are based on benefiting the new users of the
13 lake, I will comment on the economic impacts of the present
14 recommended LLMP.

15 One concern is the economic impact of lost
16 beaches. The cessation of uniform outflow in 1987 by S. D.
17 Warren caused a major change to Sebago Lake water level
18 management. As a result, the finest beaches in the world
19 began to disappear. Today these once world class beaches
20 have vanished or are remnants of their former grandeur. The
21 lost value of these natural public and private beaches to
22 present and future generations is in the hundreds of
23 millions of dollars.

24 The economic impact of hydropower, lost
25 hydropower. Under the present and recommended LLMP millions

1 of dollars in lost hydropower would occur due to increased
2 spillage events, reduced groundwater charge, and inefficient
3 flows. What is wasted by spillage at one dam will be
4 consecutively lost at dams downriver.

5 The economic impact of increased flood events.
6 The reduction of storage capacity to 60 percent from pre-
7 1987 levels is reckless management. Less capacity will
8 increase the number and magnitude of flooding events.
9 Flooding events cause damage and erosion of private
10 property. In addition to the damage costs, the expenditures
11 of private property owners and taxpayers to armor the
12 shoreline with riprap is costing hundreds of thousands of
13 dollars.

14 Fourth, the economic impacts of present
15 ineffective fishery management. FOSL believes the
16 (inaudible) fishes via fishways should have access to Sebago
17 Lake. Dams built without fishways in the early 1900s
18 terminated Sebago Lake's range of one of the greatest salmon
19 fisheries in the world. FOSL has asked as part of the
20 relicensing conditions an upstream and downstream fishway be
21 constructed at Eel Weir. This would greatly improve the
22 fishery of the Upper Presumpscot River and Sebago Lake.

23 Also FOSL believes that all dams on the
24 Presumpscot River should have fishways. This would restore
25 the world-renown salmon fishery which made Sebago Lake so

1 famous in the 1800s. Without a doubt, restoring a world
2 class fishery would be a great boon to the economy of Sebago
3 Lake.

4 Five, the economic impact of the proliferation of
5 invasive species. Eurasian milfoil is present in Sebago
6 Lake. This invasive species thrives in a regulated lake
7 like Sebago where lake levels have been pressed and lack
8 variability. FERC fails to address the FOSL scoping cards
9 about this issue. Yet the economic impact of its presence
10 is the number one concern on Sebago.

11 FERC's recommendations will greatly harm the
12 future economy of Sebago Lake. Simple dredging and
13 engineered access for lake entries and shallow coves and
14 rivers would eliminate any need for keeping the lake
15 dangerously and unnaturally high. There is neither a sound
16 environmental or good economic justification for the present
17 LLMP for the new FERC recommendations.

18 Thank you.

19 MR. CREAMER: Okay. Tami Chase.

20 MS. CHASE: Hi. My name is Tami. My parents and
21 my grandparents own property on Long Point for many, many
22 years -- actually over 45 years. And I can just -- I just
23 have comments on the fact that here I am 34 years old and
24 I've been coming to Sebago Lake all my life for summers.
25 And, you know, I used to be able to step off of my

1 grandparents' front lawn and walk for a quite a ways on
2 either side down from one cove to another on the beach. I
3 used to camp over at the state park. I used to -- you know,
4 I used to be able to get in a boat and take boat rides over
5 to, you know, different beaches around the lake. And there
6 used to be a beach.

7 Now I have two children three years old that it
8 would be nice to be able to have them enjoy the beach and
9 it's pretty pathetic when you have to leave your own
10 property to get in a boat and drive halfway across the lake
11 to a beach that actually is really going right down the
12 crapper as well.

13 And it just seems very hard for me to believe the
14 people want to keep increasing and increasing the lake
15 levels when people's front lawns are in the lake. I can't
16 even walk on the bottom of the lake now without it feeling
17 sticky. What's that from? Maybe people's front lawns, silt
18 maybe.

19 There's nothing left. It seems to me if lake
20 levels continue to go on and on as they are, we're not going
21 to have a lake. Sebago is going to be completely ruined,
22 like half of the lakes that are down in Massachusetts. The
23 same thing is happening. It's just really pathetic. And
24 I'm sure there's a number of people here that agree with me.

25

1 But, you know, I'm in my 30s; I have another
2 generation coming along. There's been four generations in
3 my family, for God's sakes, on Sebago Lake. And the water
4 quality and everything, I don't think -- it's the same thing
5 with the Portland water supply: You don't see a problem
6 with the water quality? It's awful. It really is awful.

7 And marinas -- I'm sorry, you guys used to dredge
8 and have to dredge way back when -- way back when. It's
9 like my great-aunt's main saying: Don't fix what isn't
10 broken.

11 Way back when there really wasn't much control of
12 the water levels. They remained low or what not. They had
13 wetlands. They had marinas. You had to dredge. But
14 apparently nobody seems to care about any of that. They
15 want to keep the lake levels high so everybody can run their
16 boats and have homes on places that they never had before
17 for that. But you know what? Thirty, 40 years from now
18 they may not even have a home on a nice lake to swim in.

19 That's just my opinion. I'm sure there are an
20 awful lot of other people that would agree with me on that.

21 MR. CREAMER: Thank you.

22 Okay. Theodore Tibbals.

23 MR. TIBBALS: Okay. Just a little background for
24 people who don't know me. This is our 47th season on the
25 lake. And just as my daughter got through saying, we've

1 seen a substantial degradation of the lake, which the lake
2 was doing fine until S. D. Warren started keeping it higher
3 over the course of the season. And then the present LLP
4 changed things to keep the lake higher for the benefit of
5 the paper mills and the commercial interests on the lake.

6 And one question I had for the mariners is: If
7 the lake was allowed to go lower over the course of the
8 season are people going to stop boating? The answer to
9 that, obviously, is no.

10 One of my neighbors used to own the marina that
11 Mr. Frechette currently owns. I remember periodically they
12 used to dredge around their boat slips. And basically he's
13 had almost a free ride whereas us with shorefront property,
14 we've had to dig into our own pockets. We don't have a
15 revenue stream to dig into. We've had to dig into our
16 pockets to honor our shorefront so we wouldn't lose our
17 whole property or our carnages. And it seems a little bit
18 unbalanced.

19 And then with this draft EA, I think it's almost
20 an insult to my intelligence to call this an Environmental
21 Assessment because I don't see that you people have paid
22 much attention to the environment of the lake. And
23 furthermore, you spent several years preparing this draft
24 and you give us six to eight weeks to respond to it
25 formally. One would think you would give us several months

1 to respond.

2 Now as far as the EA is concerned, here are my
3 comments.

4 Can I have someone's attention, please?

5 MR. CREAMER: Excuse me. Somebody else wanted to
6 fill out a form.

7 MR. TIBBALS: Okay.

8 MR. CREAMER: Go ahead.

9 MR. TIBBALS: All right.

10 I feel that you've totally neglected the fact
11 that the lake needs to have storage capacity for the
12 potential of spring flooding. And so on that premise I feel
13 that the normal allowable maximum height of the lake should
14 be a maximum of, let's say, six inches or more below the top
15 of the dam to allow storage capacity to prevent flooding
16 when we have these high rains.

17 Furthermore, it should be ordered that when heavy
18 rains are predicted in the spring that S. D. Warren should
19 start emptying the lake some to preclude the possibility of
20 flooding.

21 You people have totally ignored that fact.
22 Furthermore, we shorefront property owners have flowage
23 easements with S. D. Warren. And as far as I'm concerned,
24 when S. D. Warren exceeds those flowage easements they
25 should be penalized financially on a daily basis until the

1 lake is below those flowage easements. And the penalties
2 shouldn't be paid to the government; they should be paid to
3 the property owners whose property is being damaged.

4 I never hear anything about this from you people.
5 It just blows my mind in almost -- well, as a matter of
6 fact, I heard from my parents years ago that many government
7 agencies that are set up to regulate businesses very often
8 end up in bed with them. And it almost seems like this has
9 happened in this case, too.

10 Now furthermore the financial penalties, we
11 should be compensated for our damages of any expenses we
12 have. And I picked up on a few comments. You said
13 something about requiring long term planning for fish
14 passages. Well, you should set a time constraint because if
15 you say long term planning, they might say, well, 50 years
16 from now we'll do it. Well, let's say maybe five years, or
17 certainly ten at the very most.

18 And again, I heard something about a shorefront
19 protection plan. Well, if you maintain a shorefront
20 protection plan I surely hope that that plan is going to be
21 a retroactive thing to compensate us for the damages we have
22 suffered.

23 Our family alone has had to have our waterfront
24 rebuilt twice. Who paid us to do that? Nobody.

25 And I grew up around salt water. And one of the

1 ways I look at this is if this were the ocean would these
2 business people and the people who have properties on
3 marginal areas where it gets swampy and muddy, would they be
4 lobbying the government to raise the ocean?

5 That's all I have to say. Thank you.

6 (Applause.)

7 MR. CREAMER: Thank you.

8 Okay. The next name I have here is Neil
9 Garrison.

10 MR. GARSTON: That's Neil Garston.

11 MR. CREAMER: Oh. I'm sorry.

12 MR. GARSTON: That's okay. It's closer than many
13 come.

14 I have two types of things that I want to comment
15 on and ask questions about. One is on the erosion bit. I
16 understand there will always be some erosion. If you have
17 water frontage you'll get erosion. But the erosion is
18 faster. And my rough calculation is that it's cost us
19 somewhere over \$16,000, which at current land prices means
20 that somebody owes us \$35,000.

21 Is anyone volunteering to pay that? I don't hear
22 it. I don't expect to hear it.

23 But lower water could cut our erosion rate. And
24 I admit I haven't read all of this because I just got it
25 tonight. But I haven't seen anything about that being part

1 of the calculations.

2 The other thing that I have -- that I want to
3 point out is -- and I don't, frankly, know which side this
4 favors. But there were serious problems, looking at page
5 192 in this, with that set of assumptions that are being
6 made.

7 I should parenthetically note that I am an
8 economist so I look for these kinds of things.

9 And you're making the assumption of essentially
10 constant prices and at the same time you're using a discount
11 rate which is, frankly, way too high for a real discount
12 rate which assumes constant prices and might possibly,
13 conceivably be justified if you were assuming significant
14 inflation. You're not. There's a conflict there.

15 And I'm also not sure why you're taking the cost
16 of capital estimate by S. D. Warren seriously. A ten
17 percent rate? Now? So that hasn't been a reasonable
18 estimate for quite a long time. And unless interest rates
19 change remarkably in the next year or so, it will be a while
20 before it is. And even then that would include an inflation
21 allowance which you say you're not making.

22 There's an internal contradiction in the
23 cost/benefit analyses that are being done. And, again, I
24 don't know whether that would favor higher water or lower
25 water, because without redoing the entire calculations

1 there's no way of telling. But I think it should be better
2 done.

3 Oh, I forgot. One last point.

4 Going back to the first thing I was saying, we
5 also have mud on our shoreline below the water and we rather
6 suspect that's what used to be our six or seven feet of
7 extra land that is now mud on the bottom instead of nice
8 sand with clams in it. We kind of like the taste of clam
9 stew.

10 (Laughter.)

11 MR. CREAMER: Thank you.

12 Okay. I'm back to those that passed.

13 Charles Bragdon.

14 MR. BRAGDON: Yeah, most of what I had prepared
15 has been banned by the rule change area. I'll throw two
16 pages of three away.

17 I represent two large associations (inaudible).

18 Because you didn't get this book out in time and
19 our computers wouldn't print the book, we're unable to hold
20 official public meetings -- I mean association meetings with
21 out associations. I would ask that FERC extend the date for
22 written response, if possible. It's supposed to be in the
23 middle of this week. That doesn't give us time and I don't
24 think it's fair.

25 I have a couple of comments on your EA, the

1 environmental assessment, Draft Environmental Assessment. I
2 strongly object to moving the full pond back to May 1st.
3 You're talking 266.65, which is about 20 inches above the
4 historic average, and you're going to stay at that elevation
5 or approximately that elevation for six weeks or more.

6 This won't work. You've proven it in the past.
7 You can't do it. It's going to fail. You haven't provided
8 any storage capacity whatsoever. This is the rainy season,
9 May 1st. Ice is just out of Sebago and all the surrounding
10 lakes and rivers. The snowpack has just melted. The
11 groundwater is saturated -- the ground is saturated. It
12 will hold no more rain. It made a lot of sense before when
13 you waited until June the 1st to let the ground dry out a
14 little bit. June 1st is plenty early enough for full pond.
15 That made a little bit of sense. May 1st makes no sense
16 whatsoever.

17 As far as I know -- I haven't looked through
18 book; I'll look through it tonight when I get home -- there
19 is absolutely no penalty clause. You have written a 200-
20 page -- a 200-plus page regulation with no penalty clause?

21 We've got several hundred million dollars worth
22 of property around Sebago Lake and you're going to control
23 it with a guideline but no penalties, like you have in the
24 past. You know, if you can produce any penalties that S. D.
25 Warren or SAPPI has had in the last 50 or 60 years, I'd like

1 to see them. You've got my address and you can mail them to
2 me.

3 Back in 1993-94 I was parking at the time and
4 stuck out of association. In 1993 two or three of the boat
5 owners complained that they couldn't get out of our harbor.
6 We do have a harbor building. We're a private marina. So I
7 should have got on the phone and got some calls to SAPPI and
8 FERC and DEP and said, look, let's get some more water, our
9 boats are drifting. I didn't do that. I filed the DEP in
10 the fall of '93. I got permits back in the spring of '94 --
11 it's in the public record. In the fall of '94 we dredged
12 two canals at an extremely high cost.

13 We weren't selling fuel. And we didn't have boat
14 storage and document fees coming in to pay for this. We
15 paid for it out of our own pocket. We dredged that harbor
16 in all the water; we didn't press these agencies to raise
17 the lake level. And that's what all mariners should do. If
18 they've got problems with low water, you can give them
19 dredges.

20 (Applause.)

21 VOICE FROM THE AUDIENCE: And we have.

22 VOICE FROM THE AUDIENCE: Several times.

23 MR. CREAMER: Thank you.

24 MR. BRAGDON: I understand there is some language
25 in there about the could possibly relieve SAPPI of stand

1 alone inland limits if something unusual -- such as maybe
2 somebody would fight downstream or some unusual circumstance
3 you could exceed this unusual circumstance. I don't know
4 the exact language; I haven't read it yet.

5 But if there is such a loophole in there it's got
6 to come out. We don't want any more floods. We've had
7 enough.

8 I don't know who does your e-filing. But I tried
9 to go through your site today. Many of the people who sent
10 letters to me, they're not here. And I don't know if they
11 were incorrect or what. A lot of them don't have computers
12 and they tried to write them by hand.

13 I assume that these are read by some authorities
14 before they are put in the e-file is that correct? My
15 submission is in there with two pages of beautiful color
16 photos upside down. The third page of my submission has a
17 personal document -- It says on it "Nephrology Associates PA
18 Profit Sharing Plan, 1993."

19 Now obviously that didn't pertain to anything to
20 do with water levels in Sebago Lake. And I'm assuming from
21 that that you don't look at these submittals. Do you look
22 at these postings?

23 MR. CREAMER: Yes. I mean everything that's
24 filed we do look at. And, quite frankly, I have more paper
25 in my office than I care to admit and I have looked at all

1 of it, including everything that's filed on the lake level
2 management plan.

3 MR. BRAGDON: I'll repeat my time request. I've
4 got several irate people on these two associations. I need
5 a little more time. I want two days in these associations
6 to address these issues.

7 And I think that this document as written, that
8 you should start over. It's a worthless instrument, as far
9 as I'm concerned.

10 Thank you.

11 MR. CREAMER: Thank you.

12 One thing -- Given the mix up with the mailing,
13 one thing: If you want more time to comment the only thing
14 I wanted to ask you to do is to put something in writing
15 that we can then respond to.

16 VOICE FROM THE AUDIENCE: To whom?

17 MR. CREAMER: You would send it to the Secretary.

18 Okay. Robert Kaleo.

19 MR. KALEO: I'll pass.

20 MR. CREAMER: Okay.

21 Stephen Nicole.

22 MR. NICOLE: I'm Steve Nicole, president of
23 Sebago Lake Landowners. I'm just going to make a couple of
24 quick comments.

25 Evidently, I understand math differently than

1 everybody else here does because I have a scattergram of the
2 lake here. And everybody keeps talking about the average
3 level of the lake and the long term average of the lake and
4 everything else. What people seem to either forget --
5 conveniently forget -- is that those averages were made up
6 of significantly higher water and significantly lower water.
7 We still have the potential for the significantly lower
8 water, but we don't have the potential for the significantly
9 higher water any longer.

10 So if I understand math correctly, if you
11 eliminate the higher levels and you stick with the lower
12 levels, there's only one thing that can happen. And that is
13 the averages keep going down.

14 So as far as the lake level on Sebago Lake going
15 up, I don't see it. But I'm not talking about my own eyes;
16 I'm talking about mathematically. I just don't see it.

17 As far as people losing their beaches and people
18 losing sand and things like that, a lot of it's probably
19 true. But I can guarantee you from my own personal
20 experience and my own personal photographs and my own
21 personal tours around Sebago Lake over the last 15 years, a
22 lot of the sand that we've been talking about that
23 supposedly has been lost never was there to begin with.

24 (Simultaneous discussion.)

25 MR. NICOLE: If anybody wants to dispute that

1 with me, I'll show you the photographs I have. I'm not
2 talking about your front -- Now I listened to you. I
3 listened to you.

4 And don't anybody call me a liar.

5 VOICE FROM THE AUDIENCE: There's no reason for
6 that comment.

7 MR. NICOLE: That's right.

8 VOICE FROM THE AUDIENCE: Put your comments into
9 the --

10 MR. NICOLE: That's right.

11 VOICE FROM THE AUDIENCE: All right? And stop
12 that crap.

13 MR. NICOLE: I hope -- I won't even get into it
14 with you because it isn't worth it, evidently. I have
15 photographs that show without question that the sand that
16 was claimed to have been lost in '85 and '87 and '89 didn't
17 exist in '83. Nobody can dispute these. They can't dispute
18 them.

19 Anyways, that's not what I'm talking about.

20 The only thing that I would like to see in the
21 lake --

22 VOICE FROM THE AUDIENCE: Excuse me.

23 MR. NICOLE: I was a gentleman.

24 (Simultaneous discussion.)

25 VOICE FROM THE AUDIENCE: Can we have a chance to

1 rebut him.

2 VOICE FROM THE AUDIENCE: Yeah.

3 VOICE FROM THE AUDIENCE: Do we have a chance to
4 respond to those false accusations?

5 MR. CREAMER: Excuse me.

6 MR. NICOLE: It isn't worth it.

7 MR. CREAMER: Okay. Everybody has had a chance
8 to say their piece.

9 VOICE FROM THE AUDIENCE: He's lying.

10 MR. CREAMER: And whether or not --

11 MR. NICOLE: You say that one more time and I'm
12 going to come over there and smack you in the mouth.

13 MR. CREAMER: Whether or not anybody is lying is
14 irrelevant. Okay? We came here to listen to what people's
15 comments are. Okay? Now if somebody wants to respond to
16 somebody's comments the best place to do it is in writing.

17 At this point in time we're not here to debate
18 anything that anybody is saying. Okay? We have listened to
19 everybody. This side has listened to this side, and vice
20 versa. I want it to continue that way. I don't want any
21 antagonism. That's not what we're here to do.

22 MR. NICOLE: The only thing in the plan that I
23 see that I would like to see changed -- and it's really not
24 a change in the -- it is a change in the plan; it's not a
25 change in the lake levels -- is on the August 1st date. It

1 does significantly reduce -- mine especially and a lot of
2 other people I represent -- it does reduce our ability to
3 use the lake and access the lake from where we live. It was
4 never that way up until the lake level changed back in the
5 '90s when they decided to drop the lake level.

6 I think a six inch adjustment -- You've already
7 made a recommendation in the plan that S. D. Warren have a
8 three inch buffer on the August 1st lake level. I would
9 like to see the lake level raised six inches at that point
10 and allow a three inch buffer on either side. That's not
11 going to impact anybody at that time of the year; it still
12 allows the plan to stay exactly the way it is the rest of
13 the time. It just does allow a little bit more water in the
14 lake at that time of the year, which is a very, very
15 difficult time of the year for a lot of people.

16 And that's the only thing I see in the plan. I
17 think the rest of the plan has actually worked pretty well.
18 I do get concerned with the two and nine-year period as far
19 as the drawdown because it has been experienced in the past
20 that the lake is very difficult to refill at that point in
21 time.

22 But, you know, will it work? I think in most
23 years it will. But the six inch -- or the level at August
24 1st has always been a contention point for us because it
25 does make it very, very difficult for a lot of people to be

1 able to access their dockets. And at that time of the year
2 it's still significantly below where the -- if you want to
3 use the averages or the regular lake levels or whatever you
4 want to use, it's significantly below where they have
5 historically been at that time of the year.

6 Most of the level -- most of the lake levels as
7 of August 1st are significantly higher than that. And
8 that's the only thing that I would like to see changed.

9 Thank you very much.

10 MR. CREAMER: Thank you.

11 Nancy Chapman.

12 MS. CHAPMAN: My name is Nancy Chapman. I live
13 on Long Point on Sebago Lake. I am 38 years old. I have
14 lived on the lake all my life in the summers; I am now a
15 year-round resident as of about three years ago. I think it
16 would be nice if everyone stayed in the forum to hear what
17 people who have lived on the lake a little longer than 1985
18 have experienced.

19 My family has been on the lake for 68 years. And
20 growing up as a child myself, when I was a young child up
21 through my teen aged years in June there was something like
22 ten feet of sand, small rock -- I mean we didn't have a
23 beautiful beach like at the Long Beach or at the San Martha
24 State Park. But we haven't had small pebbles amongst the
25 sand. We played on that as kids. As teen-agers we used to

1 play volley ball in front of my neighbor's house. We always
2 used to play horse shoes out on that sandy beach.

3 Starting in about the mid-'80s when I was in
4 college and into the early '90s all of a sudden come spring
5 there was a smaller amount of sand in front of -- We had a
6 sea wall; it wasn't used to retain the water. It was
7 basically my grandparents put that in to segregate where all
8 the pine needle ducks that we have in front of our property
9 and the sand was, so that she didn't have all the sand going
10 in and out of her cottage. So that was why we had a cement
11 wall that my dad and his dad dug into the sand to separate
12 to kind of give them a little buffer.

13 Over the time in the early '90s as I was a young
14 adult starting out as a mechanical engineer, my career, all
15 of a sudden it was spring. When we'd arrive at Sebago there
16 would be a little less and out front, and then a little less
17 and a little less. And as the summer would progress the
18 beach never extended.

19 Usually there was a lock from one point on the
20 cove, as Mrs. Chase said, all the way to the other end. And
21 when we were kids in the early spring you couldn't walk by
22 what was called Sunnyvale, which used to be a girls' camp.
23 You wouldn't be able to walk by that all the way to the end
24 of the point up by Henry Sawyers. But by the middle of July
25 you could walk the whole way. By the end of August, I mean

1 there were feets and feets of sand out front.

2 I have a three year old son, just like Mrs.
3 Chase. I have a four-foot drop from that seawall into the
4 water in July. The water has encroached up to and eroded
5 behind that wall that my grandparents put in place to
6 separate the sand from the yard. There's a four-foot drop
7 now. When I was a kid you just stepped off this much of the
8 wall. It was just a step-over like this.

9 (Demonstrating.)

10 Now I have to watch every time the front door
11 opens because my son could break his neck running out and
12 falling off that; never mind the rest of us that have to
13 climb down as well. We have sets of wooden steps we have to
14 latch to the trees in the spring because the water's so high
15 -- and we have a direct north exposure -- it just slams
16 against that wall. You get spray 75 feet back from the wall
17 of water. It sprays my back door into my house.

18 I guess what I don't understand is in the '90s --
19 the mid-'80s to '90s something happened. The management
20 plan changed for the dam. People didn't know, and things
21 just started to erode a little bit at a time. There has
22 been a lot of change-over of property owners, there's a lot
23 of different people on the lake than used to be on the lake
24 20 or 30 years ago. People don't remember what it was like.
25 They don't remember the beaches. People -- The majority of

1 the people that remember the beaches are talking 30, 40, 50
2 years ago. We're not talking about the last 15 years.

3 The last 15 years is when the changes started;
4 when the water was higher and the erosion started to get
5 worse and worse.

6 Another thing is, you know, it has eroded behind
7 the walls now. I mean we had huge ditches behind all these
8 -- what were just separate walls. And now we've had to
9 build rock, we've put tens of thousands of dollars into rock
10 behind these walls to keep them from taking the 100-and-
11 some-odd-year-old trees that are behind the walls. We're to
12 the point now where when does the erosion stop? When do we
13 reach the median where things stop eroding more and more,
14 because it just keeps getting worse.

15 I mean it's, you know, at some point -- we just
16 got reassessed in Standish, as all of you that living in the
17 Standish piece of the lake. I mean, our property taxes have
18 tripled. And yet, you know, you're valued as if you have a
19 sand beach. I said, 'When did you come evaluate me?' 'Oh,
20 we came and looked at it last in August.' 'Well, come see
21 me in June, July and the first of August.'

22 And now in front of my folks -- not in front of
23 my house, but in front of my folks' house next door they
24 have about two feet of beach which my son plays on. But he
25 still has to get down that big drop and walk.

1 And, you know, it just doesn't seem right to
2 manage the lake long term like that because the lake will
3 keep trying to find a point of rest. It will just keep
4 digging and digging away until it reaches whatever point it
5 is that we can manage it at that level.

6 Another thing I want to mention is water quality.
7 We've all talked about how pristine Sebago is; how beautiful
8 the water is. Clear. It's the Portland Water District
9 drinking water. And in July of this year the water was so
10 mucky that my three year old didn't want to go in the water.
11 He said, 'Mommy, why is the water so dirty? I don't want
12 to.' He didn't want to go in the water.

13 There were so many leaves, bark, pine needles and
14 everything, because every day that the wind blows it just
15 digs the neighbor next-door's lawn, which they fertilize.
16 You know, True Green, ChemLawn comes every couple of weeks
17 and fertilizes the lawn; the wind blows, it splashes up, and
18 it's dragging all that in along with everybody else's beach
19 front.

20 You know, it's not digging the beaches any more;
21 now it's digging the dirt behind the beaches. And it's
22 dirty. It cleaned out the leaves, the pine needles and
23 everything. And the water was so dirty because it had no
24 beach to wash up on and clean itself.

25 I mean Mother Nature is one of the purest things.

1 She knows how to take care of herself. And when we try to
2 over-regulate it, I mean we're causing all kinds of
3 problems, I think. And I think that needs to be looked at.

4

5 I think the fact that there is no place for the
6 lake to clean itself on and wash all that dirt up. I mean,
7 as a child we used to pay to have people come and break the
8 beach, to get all the pine needles off so we could play on
9 it. Now all that mess is sitting in the water.

10 And I guess the other thing is the fact that, as
11 other people have mentioned, you know, when you've been on
12 the lake for -- you know, when your family has been there
13 for 68 years and you have pictures of, you know, your dad as
14 like a young man playing on something like 25 feet of beach,
15 and then, you know, you have pictures of me as a child
16 playing on, say, 15 or 20 feet of beach, and then you have
17 my son playing on two feet of beach at the end of August,
18 because we don't have -- I mean, one day we talked down
19 after the water dropped. It was finally at the end of July.
20 We walked down the beach and he says, 'Look, Grandma, they
21 put the beach in. They put this in, this much.'

22 It's heart-breaking and it's frustrating and it's
23 expensive. I mean, as taxes go up and up and property
24 values increase and increase around the lake, and we don't
25 have a beach -- not only we don't have a beach any more, but

1 now it's the cleanup every spring. We spend hundreds of
2 dollars having mulch brought in to replace all the natural
3 pine duff that got washed into the lake.

4 It's cleaning sand off your front yard. It's
5 replacing all the rocks that got washed in this year and
6 maybe we need some more rock for next year. It's very, very
7 expensive and it costs a lot and it's a huge burden on the
8 property owners around the lake.

9 I think our quality -- especially a penalty if
10 we're going to have these high lake levels in the spring
11 when there's a chance of flood. And all these have high
12 water, the wind blows, we've got to have some sort of
13 protection. If we manage at that high level it's going to
14 be very easy to run over, especially if we keep it up there
15 more weeks.

16 And there needs to be some sort of penalty clause
17 in there to cover people that have to have yearly repair
18 now. Now we're not talking about repair in five or six
19 years, but we're talking about every spring hundreds of
20 thousands of dollars for repair on the lake.

21 Thank you.

22 (Applause.)

23 MR. CREAMER: Thank you.

24 Mr. Davis.

25 MR. DAVIS: Thank you.

1 I'm sorry for being late. I drove up when this
2 gentleman was speaking. The governor was at the (inaudible)
3 and I had to tell him I was on the opposite side of the
4 casinos issue. And I think I'm going to be on the opposite
5 side of everybody in this room.

6 My history in Sebago goes back to 1938, the year
7 I was born. My first visit to Sebago Lake was in a
8 hurricane in 1938. And as a teen-ager I spent all my
9 summers here.

10 Every spring and the summer came up to full pond.
11 The concrete dock next door, you could hang your feet off
12 the edge and they'd touch the water. It hasn't been that
13 high in 20 years.

14 As being opposite to everybody, I like floods.
15 Floods are wonderful. In 1969 we had a flood, we had 13
16 inches of rain in a 24 hour period in October. Two years
17 later we were catching three, five, six pound salmon up
18 here.

19 Every time we have a flood -- we used to have a
20 premium flood every year. The water was brown in the
21 spring; it had nutrients in it for the fish. The fish were
22 wonderful. Along comes man. Man is the worst enemy of the
23 lake.

24 I can show you 1000 lakes in Canada that don't
25 have any houses on them, and they don't have any erosion.

1 They have a beaver dam that raises the water level up. But
2 they still don't have any erosion because they left the
3 trees, the bushes. They're all there and you don't have any
4 erosion. The erosion is caused by man.

5 I have pictures of the lake in this spring.
6 Right after ice melt there's a place at the end of Quest
7 Avenue where the guy dragged his fish shack. There are ruts
8 in the sand. And we had a little storm, a little windstorm
9 and it took a little mud off of my shore. But it piled up a
10 foot of sand on that beach.

11 High water creates sand on beaches. Sea walls --
12 Waves come in at an angle. They never come in straight and
13 push sand. They push sand, but they push it along a seawall
14 and take it out. If you've got a seawall you're causing
15 erosion. The lake causes sanding.

16 Last year when had a geologist explain how the
17 sand builds up in front of the water. I don't know why you
18 didn't have a hydrologist that would tell you how that
19 happens. He said that lowering the lake is going to bring
20 that sand back. I doubt it. I've seen the level of the
21 sand coming back at high water. Why would you need anything
22 more if you want beach.

23 I don't feel that this lake owns the greenest of
24 living. And it doesn't own FOSL's beach.

25 Thank you.

1 MR. CREAMER: Thank you.

2 Okay. I think we've -- Okay. We've got one
3 gentleman over here.

4 VOICE FROM THE AUDIENCE: I didn't know we had to
5 sign up.

6 Can you comment on the difference between the
7 plan that's presently in operation as far as the spring --
8 height in spring -- and the recommended one? I understood
9 you to say there was no difference?

10 MR. CREAMER: There are two basic differences.
11 One is that there is an extended period -- that week end of
12 June. The second difference is we were recommending that
13 the spillway crests, the 266.65 be the uphill only. Now
14 currently that is a target and S. D. Warren is allowed to go
15 above and below it. What we are recommending is that the
16 upper limit be done away with so that the spillway crest now
17 becomes the upper limit.

18 MR. DUTIL: My name is Harvey Dutil. I am on the
19 lake since the in the 1950s.

20 The difference between 2.6665 and the historic
21 average is about a foot and a half. And I'd just like to
22 provide a little anecdote and facts, and then a few comments
23 concerning that.

24 My wife's grandfather was a stone mason, and in
25 the '30s he cleared the lake of rocks and boulders and built

1 a 15 by 400 foot breakwater. He built a shore front with
2 toe stones and riprap. He actually was going through the
3 bottom being riprapped.

4 There basically was no erosion of either of these
5 structures until 1998 when the present plan went into
6 effect. In 1998 we had a storm. There was one area that
7 was far away from the water, not riprapped. It had been
8 unprotected since the 1930s. We lost 18 inches in depth 12
9 feet across and four feet high. We lost two trees; two more
10 are undercut. A fact: I spent \$1500 riprapping.

11 In 2000 again, high water, high winds. Higher
12 than the amount that was supposed to be here. We lost 12
13 large two to four foot rocks off the end of the breakwater.

14 We're not supposed to talk about this May, but I
15 need to do that to bring the story up.

16 This May the 70 year old waterfront, half the
17 stones were washed into the water. The tree that was
18 riprapped in '98 is now undercut and probably is going to
19 die. I have clear pictures to document this with me, if
20 anybody wants to see them. It's going to cost -- I've had
21 one estimate of three thousand, and another one at \$11,000
22 to get this riprap and these toe stones put back.

23 By the way, two and a half to three foot toe
24 stones were brought out by this water.

25 You can't fix it in the low water because it

1 doesn't get low enough. I tried to find out if this is a
2 low water year. I made a number of calls. A gentleman who
3 knows says, 'No, it is not one of the years -- but it might
4 be.' How can you plan to get equipment onto the beach area
5 to do your work if the water in the morning isn't low enough
6 and, number two, you don't know when the two week high is.

7 The new plan permits high water and erosion, but
8 not enough to fix it.

9 High water advocates survived before '98. Over
10 time many little marinas have developed into the historic
11 low water areas. And they've kept this investment. I don't
12 blame them. But protecting this investment will be at the
13 expense of Portland Water District and the homeowners in the
14 form of more erosion, greater investment by landowners
15 putting money back into the riprap and so forth, poorer
16 water quality and the lack of use of beach by homeowners and
17 by tourists.

18 I don't think this plan protects Sebago Lake. I
19 think it creates a lot more problems. And I think we should
20 return to more like the historic water levels.

21 Thank you.

22 (Applause.)

23 MR. CREAMER: Thank you.

24 MR. VANDEN: I'm Dick Vanden. I live on Frye
25 Island. And we've been coming up here for some 37 years.

1 And we pretty much live six months a year on the island.

2 And I want to make a comment on the clarity of
3 the water. I think it was Ms. Chapman who mentioned that
4 she had a lot of turbidity, et cetera, et cetera, where she
5 is. I can guarantee you when -- at least by Frye Island
6 where I am on the western shore that you cannot see more
7 than one foot down into that water. Every time we get a
8 northwest wind it brings out that marine clay from the
9 shore. I've lost 25 feet of land -- 25 feet. I almost live
10 to the point where I'm diving for my front deck. So I've
11 had to do a lot of riprapping.

12 My neighbor two doors down spent \$250,000 in
13 riprapping his shore just to save his bay. And the problem
14 is, you know, I kind of glass over when you talk about all
15 these lake levels. But what I do know in the spring of the
16 year the northwest winds just tear the bejesus out of that
17 bank on our entire western shore. And keeping that lake
18 level that high for those six weeks is a disaster,
19 gentlemen. We can't sustain it.

20 Now I don't know who's going to pay me back for
21 that 25 feet of land. This is like eminent domain without
22 due process of law. I just lost it. And it was because of
23 keeping that level out there. And I would just like to see
24 the levels, at least in the spring, just dropped a bit.

25 And when you mentioned that if they go over the

1 top of the 266.65 there's no penalties, I mean this is
2 amazing. I don't know how we're going to exist with this.
3 They're going to go over that 265, 266.65, and nothing's
4 going to happen.

5 Thanks.

6 MR. CREAMER: Thank you.

7 MR. RALPH: My name is Larry Ralph. I've just
8 got two quick questions.

9 The first is with regard to the May storms, how
10 do we go about submitting comments on that?

11 And the second question is: There's been a lot
12 of comments that there's nothing in the draft statement
13 concerning exceeding the full pond level. What is the
14 proposal and what is the -- what will happen if S. D. Warren
15 does exceed it?

16 MR. CREAMER: Okay.

17 The first question: To submit comments, written
18 comments, you would submit those to the Secretary. The
19 address is right there. And if you just follow those
20 instructions about putting the project number so that we
21 know what it belongs to, that should take care of your first
22 question.

23 The second question: Just to speak generically,
24 every license that we issue, hydro license -- it doesn't
25 matter how big, how small -- has operational requirements of

1 some kind, whether it's projects like on the Lower
2 Presumpscot River, which is what we call one-river projects.
3 Flow comes in/flow goes out. There's no re-regulation.

4 The licenses for those projects have requirements
5 to operate in a river mode. And those licenses also have a
6 built-in -- and all licenses have -- a built-in mechanism
7 whereby if there is an emergency situation those operational
8 requirements can be suspended. You know, take for example
9 if there is a small riverine impoundment it's probably more
10 important than in Sebago Lake where if somebody is in the
11 river and drowns and the emergency personnel have to get in
12 there, will they not have to lower that impoundment to do
13 it. That's technically what we would consider an emergency
14 situation where we have to suspend the operational
15 requirements.

16 In the case of Sebago Lake, Sebago Lake -- your
17 weir project will have an operational requirement. And just
18 like all our other licenses, there will be provisions that
19 will allow the applicant to suspend those for whatever --
20 you know, for certain reasons. And typically it's -- if
21 there is agreement amongst the applicant and state agencies
22 for some -- say they're trying to do something management-
23 wise in the bypass reach or let's say they're trying to do
24 something on Sebago Lake with the fishery. Well, they may
25 have to do something temporarily to suspend an operational

1 requirement or alter it on a temporary basis. The mechanism
2 will allow them to do that. It will also allow them to, for
3 situations beyond the control of the applicant, will allow
4 them to temporarily suspend their operational requirement.

5 Now when they do that they are required to notify
6 the Commission of what they did. If it's something that's
7 planned they are required to notify us ahead of time. If
8 it's something that's unplanned, that's unforeseen, they are
9 required to do that within ten days of the event happening.

10 Now as far as a matter of noncompliance, if an
11 applicant exceeds their operational requirement -- and I'm
12 going to speak generally here; I'm not going to speak
13 specifically to Sebago Lake and S. D. Warren -- generally
14 speaking what will typically happen is, let's say the
15 project is operated according to a certain guide curve. And
16 we have a lot of impoundments, recreational impoundments
17 that have operational guide curves that they follow over the
18 course of a year.

19 If they violate the terms of the license in that
20 operational guide curve and the Commission is notified of
21 that, what will happen is the Commission Staff will
22 undertake an investigation of that event. And based on --
23 and when they undertake that investigation they will ask for
24 information to be submitted where they respond to the
25 applicant or some other entity to document what happened.

1 And then they will make their decision -- our compliance
2 folks will make their decision on whether or not an
3 applicant violated their license or not.

4 If the decision is that they violated the license
5 there are a number of mechanisms in place. The Commission
6 can, if the violation is egregious enough, they can in fact
7 levy fines on the applicant for every day that they violate
8 their license until they bring it back into compliance. It
9 has happened. So it's not -- the Federal Power Act gives
10 the Commission the ability to do that.

11 Now the Federal Power Act does not give the
12 Commission the authority to order liquidated damages. We
13 cannot do that. But we can, if they violate the terms of a
14 license, we can levy fines for every day that they do
15 violate the license.

16 Does that answer your question?

17 MR. RALPH: In part.

18 So the landowners, when the water level is
19 exceeding the easement level that's been specified, we don't
20 have the mechanism -- or do we have the option of going
21 against S. D. Warren directly for violating our property
22 rights?

23 MR. CREAMER: Okay.

24 I really don't know. You're getting into legal
25 issues that -- I'm a fisheries biologist. I can't -- What

1 you have in terms of your legal rights, I can't really tell
2 you.

3 I would think, though, that -- The Commission
4 doesn't get involved in property rights issues either.
5 Generally what the Commission has said is that property
6 rights issues are issued that are dealt with in the state
7 judicial system. So I would think that you would have -- an
8 attorney could tell you for sure, but I would think that you
9 would have a right if, you know, that if you're -- you know,
10 where it concerns your property rights, that you would have
11 a right to do that in state court. I don't know for sure.

12 MR. RALPH: Thank you on that.

13 The other question is: Clearly -- I don't think
14 anybody would question lowering it to, say, the body or
15 something like this. The question is if S. D. Warren is
16 committed to having full pond and there's a prediction for
17 major rainfall coming up, is it an emergency when it goes
18 over that or is this -- should they be taking reasonable
19 measures to lower the level?

20 MR. CREAMER: I would think as a licensee -- We
21 hold licensees responsible for the operation of the project.
22 And if there's public safety issues involved -- and a lot of
23 times there are when it concerns flooding and whether it's
24 along an impoundment or downriver. We would expect that
25 they would operate their project in a manner that would

1 minimize those effects.

2 Now to the extent that they don't, that's when we
3 take issue with them if somebody complaints.

4 MR. CHAPMAN: Ben Chapman. I'd just like one
5 more about the water level in the spring.

6 What if the water appears at full pond -- okay? -
7 - and we get a bad rainstorm. Then in the past what S. D.
8 Warren has done is they say, 'Well, we can't flood
9 Westbrook, which is downstream, so we flood the lake.' I
10 mean, when you have no storage capacity, one or the other
11 has to get flooded.

12 Now I assume you're going to say that, well,
13 that's legitimate. And we have no rights. And I don't
14 think that's a fair assessment.

15 Would you please address that?

16 MR. CREAMER: I am in no way saying that as a
17 property owner you have no rights and that that's not a
18 legitimate concern. I am not saying that.

19 All I am saying is there is an expectation that
20 the applicant will operate the project in a sound
21 environmental manner. Now if they do not do that we can
22 find them in noncompliance with their license. And, you
23 know, no applicant wants to have that on their record
24 because if they do they run the risk of, when it comes up
25 for relicensing if they have a number of these things on

1 their record, they may not get a new license.

2 So it behooves an applicant to toe the line where
3 it concerns their license and the license requirements.

4 MR. TIBBALS: Theodore Tibbals again.

5 Some of this kind of gets to me. Number one,
6 when a federal agency issues a license to a private business
7 to profit from a natural resource like Sebago Lake, I don't
8 understand why when operating that dam improperly they can't
9 be penalized and be forced to reimburse the property owners
10 whose properties are damaged because they haven't done a
11 good job.

12 And furthermore, it really makes me boil that if
13 penalties are ever to be assessed -- my guess is S. D.
14 Warren has never been penalized financially for operating
15 that dam in the over 100 years of its existence -- why the
16 Federal Government should profit by penalties if they are
17 assessed them. The Federal Government isn't being the
18 injured party: it's us. And if the law doesn't read that
19 we should be compensated then there's something wrong with
20 the law. And it would seem to me that you people should be
21 lobbied.

22 Furthermore, I don't quite understand why we have
23 two fisheries experts here and a hydrologist, and no real
24 senior FERC person here to listen to us.

25 And furthermore, have any of you people really

1 taken the tour of Sebago Lake? Have any of you seen the
2 erosion that has occurred at Sebago Lake in the last 15 and
3 20 years?

4 MR. CREAMER: All of us have.

5 MR. TIBBALS: Have you seen it this year?

6 MR. CREAMER: I have not seen it this year. I
7 have --

8 MR. TIBBALS: Well, then you've -- you should see
9 it.

10 MR. CREAMER: John went today.

11 MR. TIBBALS: Where did you go?

12 MR. HART: Songo River.

13 MR. TIBBALS: Songo River?

14 MR. HART: Yes.

15 MR. TIBBALS: All right.

16 Did you go out toward Long Point?

17 MR. HART: No.

18 MR. TIBBALS: Okay.

19 Who took you on this tour? Somebody from S. D.
20 Warren?

21 MR. HART: No. Me by myself.

22 MR. TIBBALS: Well, I would like to propose that
23 FERC has a responsibility of sending one or more experts on
24 a trip where we could show them areas of significant impact
25 from this spring.

1 And the other thing, about you saying we aren't
2 supposed to be talking about this spring because that's
3 still being massaged, are we going to have a public hearing
4 about that? Are the general public and the property owners
5 going to have a chance to meet like this and discuss that,
6 or is that all going to be swept under the rug and we'll
7 have to go searching in the FERC library and what not to try
8 to ferret out what happens?

9 Chances are, you -- if it follows the general
10 federal pattern, what's going to happen is you're going to
11 say, 'well, we're investigating that and we're waiting for a
12 response from S. D. Warren' and going back and forth, and
13 you hold it six months down the road and we'll all forget
14 about it. And we'll never hear what the end result is.

15 And in the meantime many of us have suffered
16 significant damages. Our property -- our front, it's on the
17 lake, which is only 100 feet. It has had to be rebuilt
18 twice since the water level policy changed about 15 to 20
19 years ago.

20 Who's going to pay us to do it a third time
21 because it slumped this spring? Who's going to pay me for
22 the four-plus cubic yard of debris I had to clean off my
23 lawn this spring and hire someone to haul it away. Who's
24 going to pay me to get rid of all the sand I had to get rid
25 of that the lake deposited on my property which the May DEP

1 says you can't put back in the lake.

2 I mean I am so fed up with bureaucrats I don't
3 know what I would like to do. But I say there's nothing
4 wrong with them that a few sticks of dynamite wouldn't take
5 care of.

6 Thank you.

7 MR. CREAMER: Two comments. One, those of us
8 here -- you know, for these kind of meetings, we are the
9 ones that come out to these meetings. Okay? All of us here
10 have at least 15 years' experience in doing what we do. We
11 all have college degrees. We are all experts in what we do.
12 Okay? Firstly.

13 The second point: I do not know -- I know that
14 there is an investigation ongoing. There was a notice that
15 was issued with regard to that investigation. I do not know
16 how our compliance folks are handling that. I don't know if
17 there is going to be a public hearing. Okay? I'm not at
18 liberty to comment. I mean, I follow it. But the
19 investigation is the investigation. And I'm concerned.

20 You know, I understand where you're coming from.
21 But what we're here to do tonight is to talk about the
22 relicensing. I don't know where that investigation is going
23 to go and how it's going to be handled.

24 MR. TIBBALS: Just one other comment.

25 Have any of you people ever lived on a lake of

1 this size for any length of time? Because if you haven't,
2 you have no idea what can happen on a lake like this.

3 MR. CREAMER: I have lived on Lake Erie.

4 MR. TIBBALS: Thank you.

5 MR. DAVIS: Ted Davis again.

6 Many, many, many years ago this lake was a lake.
7 There was nobody living on it. There were beaches where
8 Mother Nature wanted them. There were rocks where Mother
9 Nature wanted them. Along comes man.

10 When my cabin was built it was built on the rocks
11 because the sandy shore was considered sandy and worthless
12 because nobody went swimming back then.

13 Now along comes man and has only left rocky
14 shores. So man buys what's left: the rocky shores. And he
15 gets equipment in there and he moves rock around so he can
16 have a beach. He cuts all the trees so he can see the water
17 and the sunrise and the sunsets and all those wonderful
18 things. And all of a sudden there starts erosion. Low
19 water.

20 When the water is lowered down we have erosion.
21 And S. D. Warren has been the steward of the lake, and the
22 Portland Water District. I have no connection with either
23 one. But they have been good stewards of the lake for over
24 100 years. And I think they should continue doing it.

25 We are the enemy. We have created problems of

1 erosion by moving rocks and things like that. Gravel banks,
2 on my theory, they are on every lake. They are going to be
3 subject to erosion by wind, rain. You can't change it with
4 high water or low water.

5 And I appreciate your time. I think S. D. Warren
6 should have complete control of the lake. Thank you.

7 MR. CREAMER: Thank you.

8 MS. HAZELTON: My name is (inaudible) Hazelton.
9 And I would like to find out or ask if there's a (inaudible)
10 of this meeting.

11 MR. CREAMER: The transcripts of this meeting,
12 once they're completed, will be on the FERC website. They
13 won't be available to the public.

14 MS. HAZELTON: That's it. It dies right there.

15 MR. CREAMER: No, it does not die right there. I
16 mean it's part of the record the Commission will look at
17 when they make their decision when we're concerned about a
18 new license for this project.

19 MS. HAZELTON: Then why do I have the feeling
20 that we're all spinning our wheels here. We're complaining
21 and we're venting and it's very nice. And you're going to
22 go ahead and issue the license and life will go on. And
23 we'll continue having erosion until -- when? Next time?
24 The next four years? Six year? When is it the license will
25 come up?

1 MR. CREAMER: The Commission can issue an issue
2 for anywhere between 30 and 50 years.

3 But what we're doing here today is giving you all
4 a chance to comment on our environmental document and
5 recommendations that we're going to make -- that we will
6 agree to make. Now this is a draft document. Based on the
7 comments we get here tonight, based on the comments that we
8 get in writing, we'll go back and re-evaluate and see do we
9 need to change something. Did we miss something? Is there
10 new information that would cause us to go back and change
11 something about the lake level management plan that we
12 weren't initially intending to do.

13 The other thing to keep in mind: Whatever we
14 recommend, it is a Staff recommendation. The Commission
15 will make the ultimate decision. Okay? The Commission will
16 look at the entire record. They will look at the draft EA,
17 they'll look at the meeting minutes from tonight, they'll
18 look at the written comments, they'll look at going back
19 from when this thing started three years ago, from the
20 initial application. All of that information in the record
21 for this proceeding will be looked at. And that's what they
22 base their decision on. They may agree with us; they may
23 not. They may decide to do something different than we
24 recommended as Staff.

25 So what we are recommending in the EA is not

1 necessarily what may ultimately end up happening. It just
2 depends upon what the Commission -- how they want to view,
3 you know, the record. And if they feel as though we as
4 Staff missed something and they want to do something
5 different, they have the ability to do that.

6 MR. DUTIL: I'd just like to -- Harvey Dutil
7 again. I'd just like to comment on Ted's comment.

8 Yes, we, man has come in and made some changes
9 and we've built riprap and whatever. However, we did it
10 under the rules and regulations at the time with approval
11 from whatever sources we needed: The town or DEP or
12 whoever. The problem here is it's a change in rule. And
13 the change in the rule is creating all kinds of havoc with
14 the structures that we've built under a different set of
15 rules. And if the water was -- spring levels are brought
16 back to a more historic level -- we do have the averages, as
17 that gentleman says. If you're going to go above that,
18 that's what happened this spring.

19 But we built -- People around the lake built in
20 good faith on the rules at the time. The rules changed.
21 The rules are a foot and a half more water. That's a lot of
22 water that's not only against our shores, it's eroding the
23 lake, creating water quality problems.

24 Thank you.

25 MR. CREAMER: Thank you.

1 Okay. Do we have any other comments that anyone
2 wants to make?

3 (No response.)

4 MR. CREAMER: Okay. Seeing none.

5 Real quickly, I kind of want to run through where
6 we're going to go from here. As I said, this is the public
7 comment period. Written comments as of right now are due on
8 the 25th. That may or may not change if we get a request to
9 do that.

10 We are also anticipating having a meeting with
11 the state and federal resource agencies. It's unclear as of
12 when that's going to be at this moment. We're waiting to
13 hear from them.

14 Our target -- We were targeting, depending upon
15 how all this plays out, we are targeting issuing a final EA
16 some time later this year, in the November-December time
17 frame, beginning of December. And then once the final EA is
18 issued the record then is ripe for the Commission to make
19 their decision.

20 So that's kind of the general time frame that
21 we're thinking about right now as far as where this is going
22 to go. It just depends upon if we have any need to extend
23 the comment period on this and meetings with the state and
24 federal agencies that we anticipate.

25 If there are no other questions or comments, I

1 would like to thank everybody for coming out.

2 Yes.

3 MR. TIBBALS: Is there any chance that the
4 comment period might be moved up some, because the 25th of
5 this month -- I mean by the time this came out -- and a lot
6 of us haven't even been able to get our hands on this
7 document until tonight. And so you're allowing us a week to
8 comment on it, all 200-300 pages. I mean, when you people
9 took so long to put this together, it seems like you're not
10 giving us much of a bargain.

11 MR. CREAMER: We originally intended to have a 45
12 day comment period. I do not know what happened with the
13 mailing of that. I do not know why it did not get mailed
14 out when it was supposed to.

15 Is there any chance it could be extended? Only
16 if we get a request. An there needs to be a justification
17 for doing that. I'm not saying that it will and I'm not
18 saying that it won't be extended.

19 MR. TIBBALS: Well, there's a request right now.

20 MR. CREAMER: The request needs to be in writing.

21 Any other ?

22 VOICE FROM THE AUDIENCE: I just wanted to know,
23 if you turn these in will we get a copy of the final report
24 sent to us?

25 MR. CREAMER: You can get your name put on the

1 mailing list and we'll make sure the mailing happens like
2 it's supposed to next time.

3 Any other questions or comments?

4 (No response.)

5 MR. CREAMER: Okay.

6 I guess with that I will thank everybody for
7 coming out. And it was good to hear everybody's views. And
8 we will look forward to the written comments and move
9 forward from here.

10 Thank you again.

11 (Whereupon, at 9:07 p.m., the scoping meeting was
12 adjourned.)

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