

# Federal Energy Regulatory Commission

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**Case:** Emeryville Hydroelectric Project - P-2850-013

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Phone: 202-347-3700  
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BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION

- - - - -x  
IN THE MATTER OF: : Docket Number  
EMERYVILLE HYDROELECTRIC PROJECT : P-2850-013  
- - - - -x

Gouverneur Library  
60 Church Street  
Gouverneur, New York

Wednesday, August 29, 2007

The above-entitled matter came on for scoping meeting,  
pursuant to notice, at 1:00 p.m.

BEFORE:

Patrick Murphy, FERC Moderator

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

2 (1:00 p.m.)

3 MR. MURPHY: Good afternoon, everybody. I'm Pat  
4 Murphy and I'm the coordinator of the Emeryville  
5 Hydroelectric Project, Project 2850. We're currently doing  
6 the current process for this project, which is the ILP,  
7 which is the Integrated Licensing Procedure, and we're going  
8 to go through some of the basics of that process with this  
9 little slide show here.

10 If you've got questions or whatever, you can ask  
11 as we go along, if you'd like. It's a pretty informal  
12 presentation here.

13 MR. KARTALIA: If you're not at this end of the  
14 table, and you want to speak, please wait for the microphone  
15 so the court reporter can get your comments.

16 MR. MURPHY: Basically, it's an overview of the  
17 presentation today. I'm sorry. I'd better introduce myself  
18 -- actually a little more about myself. I'm the coordinator  
19 and I'm also a wildlife biologist and I'll be doing the  
20 vegetation, wildlife, threatened and endangered species and  
21 wetlands -- anything terrestrial related. Then, Steve  
22 Kartalia.

23 MR. KARTALIA: My name is Steve Kartalia. I'm a  
24 fisheries biologist, so I'll be looking at issues related  
25 to water quality and fisheries habitat and other aquatic

1 resources.

2 MR. DOUGHERTY: Dana Dougherty. I'm the project  
3 manager for the owner/applicant. I'm with Stantec.

4 MR. McDONALD: My name is Mike McDonald. I'm the  
5 operator of the plant. I work for Hampshire Paper Company.

6 MR. MONTAN: I'm John Montan. I work in the St.  
7 Lawrence County Planning Office. I'm representing St.  
8 Lawrence County.

9 MS. MURRAY: Danielle Murray with Devine Tarbell  
10 Associates.

11 MR. GIBSON: Jim Gibson with Devine Tarbell  
12 Associates.

13 MR. WATTS: Michael Watts. I'm the FERC  
14 engineering project.

15 MR. DASHNAW: Bill Dashnaw, St. Mary's County  
16 Highway.

17 MS. JANUS: Demetria Janus with Stantec  
18 Consulting.

19 MS. BAILEY: Betty Lou Bailey with the  
20 Adirondacks Mountain Club.

21 MR. MURPHY: Also, we have another member on the  
22 team, John Costello. He's working on the cultural  
23 resources, land use, aesthetics and recreation. That  
24 completes the team.

25 The other aspects of the agenda here are, of

1 course, as you can see up there is the process overview.  
2 It's of the ILP process and the purpose of scoping. The  
3 project overview and project description will be conducted  
4 by Stantec Consulting. Dana Dougherty will be doing that  
5 introductory statement and such. The discussion of issues,  
6 studies, important dates to keep in mind and then lastly,  
7 official question and comment period. And like I said, you  
8 can jump in, if you have a question, as we go along here.  
9 You don't have to wait until the very end. The formal  
10 comments will have to go at the very end, but the questions  
11 or comments you can integrate throughout.

12 I think we've already covered the registration  
13 already. As you can see, we have a court reporter. He is  
14 going to recording everything for the official record at  
15 FERC. And basically, as we did with introductions, you need  
16 to state your name and affiliation before you speak so we  
17 can keep track of who said what. And then, written comments  
18 can be provided in addition to your comments here, and  
19 they're due on September 28.

20 We're always updating the mailing list -- taking  
21 people off or adding people -- and Betty Lou has been trying  
22 to get on forever. Right?

23 (Laughter.)

24 MR. MURPHY: Maybe we'll get you on here soon.  
25 But there's specific directions in the scoping document that

1 tells you exactly how to go about changing that and getting  
2 your name and address on the mailing list. We also have the  
3 server's list that is a list of all those that are  
4 intervening, intervening parties in the legal proceedings.  
5 You have to be on a separate list.

6 This is, in a nutshell, the Integrated Licensing  
7 Procedure or ILP. We are currently -- the NOI and the PAD  
8 have been filed back in the spring. The scoping process is  
9 basically what we're in right now. And then, after these  
10 scoping meetings, anyone can recommend studies -- the  
11 public, NGOs, private individuals -- that sort of thing.  
12 You determine your studies and mail those in by the 28th -  
13 - comments and studies that are recommended.

14 The next determination is developing your studies  
15 and then conducting the studies and then forming the --  
16 putting together application. That takes one year to two  
17 years to do all that, depending on whether you need one  
18 season for study or two seasons. That kind of thing. When  
19 they file the application, we issue the REA notice ready for  
20 environmental analysis. Then we do an EA or an EIS.  
21 Following that, once those have all been approved, we'll  
22 write the order of issuing license. That's another one and  
23 a half years. It's a pretty lengthy process. Not much  
24 unlike the other ones that you did before you filed anything  
25 with us.

1           That's the ILP. Also, this is what we call the  
2 default process. When you file your -- you have determine  
3 what you're going to send in a commitment letter indicating  
4 what you're going to do. If you're going to do the ILP or  
5 you can request doing one or the other to process, which is  
6 the traditional -- the one we did for many years. And then,  
7 the other one is the Alternate Licensing Procedure, ALP. A  
8 lot of people don't want to get involved in this kind of a  
9 process and they petition to request to do one of the other  
10 two processes. Sometimes we approve it. Sometimes we  
11 don't. But anyway, that's the process.

12           With the scoping process, really we're the lead  
13 in the scoping, obviously. We identify the issues and  
14 discuss existing conditions and information, score  
15 additional information needs and discuss the process plan.  
16 Basically, we did that in a nutshell, earlier here.

17           Now, with the basic location and descriptive  
18 information of the project as it is right now -- I don't  
19 think it's been changed. Anyway, Dana is going to be doing  
20 that presentation.

21           MR. DOUGHERTY: First of all, the project  
22 location is on the Oswegatchie River upstream of Gouverneur  
23 probably six or seven miles. It's on the main branch of  
24 Oswegatchie, just downstream of the confluence of the east  
25 and the west branch. Next slide.

1 (Slide.)

2 MR. DOUGHERTY: Here's a blowup of it a little  
3 bit. The next hydro facility downstream is Fowler Number 7.  
4 The backwater from Fowler Number 7 actually goes up to the  
5 Emeryville Site during the high flow periods, at least.  
6 Upstream we have the Talcville Site and the Hollow Dam Site,  
7 which are the two closest hydro facilities. The aerial  
8 view, you can see the access road going into the site. The  
9 dam is located right at Emeryville Road Bridge over the  
10 impoundment.

11 We've got an impoundment that's approximately a  
12 mile long, going up to Sullivan's Island at the upstream  
13 terminus. Owner has property on the left bank, looking  
14 downstream, and an old railroad riverbed follows that  
15 completely undeveloped. I think that's a true statement --  
16 a completely undeveloped impoundment. I don't think there's  
17 any development on it. Next slide.

18 (Slide.)

19 MR. DOUGHERTY: Here's a topographic map of the  
20 facility as it was developed. It was originally constructed  
21 the turn of the century. The facility was originally a pulp  
22 mill owned by Rushmore Papers. It was converted to  
23 hydroelectricity in 1938. Purchased by Hampshire Paper  
24 Company in 1953, reconstructed in 1987. The reconstruction  
25 consist of this powerhouse that we're looking at --

1 actually, we're sitting on top of the Emeryville Road hill  
2 viewing down at the powerhouse with this view right here.

3 Intake from the impoundment just upstream of the  
4 bridge. The work in 1987 essentially from this point  
5 downstream was all new. The head gates in the old bridge  
6 over the flume were left in tact. Next slide.

7 (Slide.)

8 MR. DOUGHERTY: So our proposed project is pretty  
9 much the existing project. We're not proposing any new  
10 construction as part of this project. The dam is a  
11 concrete cap timber and rock crib facility, 22 feet high.  
12 We actually have 32 feet of ground production ahead, so  
13 there's about a 10-foot fall between the dam and the  
14 confluence of the tailrace. It's 185 feet wide. In the  
15 middle of the dam there is a minimum flow bypass through the  
16 shunted section -- a bypass of 16 Cfs.

17 The water passes through a flume, as I indicated  
18 before, just downstream of the Emeryville Road Bridge  
19 through trashracks, 5-inch spacing with an automatic  
20 trashrack cleaner and through a 14-foot diameter, 60-foot  
21 long penstock into the powerhouse, which houses one  
22 horizontal propeller Kaplan unit, fully adjustable blades  
23 and wicket gates. The unit rating is 3.5 megawatts. It is  
24 capable of passing 1500 Cfs with a reduction down to 10  
25 percent of flow or 150 Cfs. Energy that is produced is

1 transmitted through the national grid system on a 23 KB  
2 transmission line interconnected on Emeryville Road  
3 approximately 200 feet away.

4 Average annual energy for the last 20 years since  
5 the facility was rebuilt is 18,400 megawatt hours per year.

6 Next slide, please.

7 (Slide.)

8 MR. DOUGHERTY: We operate on an instantaneous  
9 run of the river basis. We do that through an automated  
10 level controller that is an ultrasonic transducer on the  
11 impoundment at the intake. We also have an ultrasonic  
12 transducer on the tail water. Those two readouts go through  
13 a programmable controller, which operates the turbine wicket  
14 gates and blades. And they will adjust, open or close,  
15 depending on the river flow and maintaining the impoundment  
16 within 1/10 of a foot. There's 16 Cfs year-around minimum  
17 flow was established at the time of flashboard replacement  
18 in 1993, established per permit with the MDEQ -- excuse me,  
19 with the New York DEC. Wrong state.

20 Right here is the spillway, the overflow  
21 spillway. Here's the minimum flow. This picture was taken  
22 in November. If you're out there today, there is no flow  
23 going over the spillway. So the only flow is through the  
24 minimum flow and it's much more obvious to see. This is the  
25 tailrace of the powerhouse outletting into the downstream.

1 This a view looking downstream of the Oswegatchie River.  
2 This is the shanted section. Last November where there was  
3 a significant amount of flow passing through that shunted  
4 section just downstream of this area. Next slide, please.

5 (Slide.)

6 MR. DOUGHERTY: This is the headwater transducer  
7 that we referred to, the ultrasonic transducer. The  
8 trashracks are beneath this area here. Again, 5-inch  
9 spacing, automated cleaners, mechanical cleaners at this  
10 location. We have an upstream of the bridge and the old  
11 head gates, which have been reconstructed since 1987. There  
12 is a trash sluice. Currently, there's quite a bit of  
13 floating debris that sits in there and during high flow that  
14 gets washed down stream.

15 This is a photograph of the intake taken from the  
16 powerhouse looking upstream. This is the 14-foot diameter  
17 penstock that connects the intake structure with the  
18 powerhouse. Next slide, please.

19 (Slide.)

20 MR. DOUGHERTY: Here's a downstream view of the  
21 tailrace de-watering gates. These are used to de-water the  
22 draft tube. The propeller runner, the shaft is horizontal  
23 and is set at normal tail water, so to work on the runner we  
24 need to evacuate water from the draft tube. So there is a  
25 pump on the inside of the building that we evacuate water

1 when these gates are lowered. The generator is a  
2 horizontal direct-connected synchronist generator rated 3.5  
3 megawatts. It was originally built by Siemen's Allis.  
4 Terminal was originally contracted with Allis Chalmers,  
5 Voight bought Allis Chalmers during this project.

6 This is your wicket gate-operating ring, 2.5-  
7 meter propeller turbine. These are located on the lower  
8 floor of the powerhouse. On the upper floor of the  
9 powerhouse is the switchgear. And again, the power goes out  
10 to the substation, which is immediately left of and adjacent  
11 to the powerhouse and then out through a 23 KB line to  
12 national grid system.

13 Recreational facilities we have a canoe portage  
14 around the left looking downstream side of the facilities.  
15 The outtake is right here on the impoundment. This is  
16 fenced. It is left open six months of the year -- April  
17 through November. The remainder of the year access can be  
18 granted by contacting the operator. There is an operator on  
19 duty 24/7 at the plant. Canoe portage -- goes are around  
20 the hydro plant, down the downstream and puts in on the left  
21 bank, looking downstream. There is a small picnic area  
22 along the canoe portage on the way down.

23 That's it for my presentation.

24 MR. MURPHY: Were there any questions about the  
25 project site? Clarifications or anything?

1 MR. MONTAN: John Montan, St. Louis County. My  
2 question was, was it 18 million or 18,000 or 1800 megawatt  
3 hours a year? Which was it? I think you said million.

4 MR. DOUGHERTY: It's actually 18,000-megawatt  
5 hours.

6 MR. MONTAN: Eighteen thousand megawatt hours?  
7 Okay. Thank you.

8 MR. MURPHY: Any other comments, questions?

9 (No response.)

10 MR. MURPHY: To continue on, these are currently  
11 the issues as presented in the PAD, Preliminary Application  
12 Document, provided by the Applicant. And as you can see,  
13 there geology and soil, the aquatic resources, the  
14 terrestrial resources, threatened and endangered species,  
15 recreation, land use and aesthetics and development  
16 resources.

17 MR. KARTALIA: So far, what we've identified, and  
18 this is one of the purposes of the meeting, is to identify  
19 any issues that we may have overlooked, preliminarily at  
20 this point. The PAD contains a list of issues. We've  
21 reviewed that. So far, we will be looking at the following  
22 issues. I'll take the first two and then Pat will cover  
23 some of the other categories of issues.

24 In our environmental assessment, which we've been  
25 calling the EA, we look at different categories of issues

1 that the continued operation of the project might have on  
2 various resources. In the category of geology and soils,  
3 typically we look at potential erosion sites or existing  
4 erosion sites in the tailrace or the impoundment. This  
5 usually involves some sort of visual survey and cataloging  
6 of any sites that are known that are currently eroding or  
7 have eroded in the past.

8           Within aquatic resources we, in our EA, always  
9 describe the effects of the project on water quality, such  
10 as dissolved oxygen and temperature are the two biggies that  
11 hydro often influences. So we'll be looking at those  
12 issues. Within aquatic resources, we'll be looking at the  
13 effects of continued operation of the project on habitat for  
14 fish and aquatic invertebrates, and this would include  
15 habitat, both quantity and quality of habitat in the  
16 impoundment, in the tailrace and in the bypass reach, which  
17 is, as Dana said, approximately 215-foot stretch at the  
18 penstock bypasses.

19           Pat will discuss the terrestrial issues  
20 potentially related to the relicensing.

21           MR. MURPHY: That would include, and I think I  
22 indicated that earlier, the vegetation, wildlife, wetlands  
23 and we'll be looking at that in terms of any kind of effects  
24 that will occur with current operation or if any new  
25 development occurs, which it doesn't look like any new

1 development at this point. This would include everything  
2 around the entire impoundment -- the basic facilities, the  
3 dam and powerhouse and any other buildings there.

4           Threatened and endangered species, we identify  
5 the species that may be present. And if we don't know that  
6 they are present, the probably occurrence of their presence,  
7 investigation, literature search and perhaps some studies  
8 done to determine if they're there or not. In recreation,  
9 the recreation land use and aesthetics person is not here.  
10 I think that's pretty clear as to what the existing  
11 recreation is now. Is there any proposed? Is there any  
12 additional recreation needed? How the project would affect  
13 adjacent land use of the area and also how it would affect  
14 the aesthetics, both operationally or if anything in  
15 addition is developed.

16           I'll let Mike talk about developmental resources.

17           MR. WATTS: Mike Watts, FERC. Developmental  
18 resources are basically an estimate of the project economics  
19 and we'll be looking at how any recommended engineering,  
20 environmental or operational measures will effect the  
21 project economics.

22           MR. MURPHY: These are also the proposed studies  
23 that have been identified by the Applicant to date.

24           MR. KARTALIA: As Pat said, these are studies  
25 that have been proposed by the Applicant so far. The

1 studies at this point are not detailed study plans, but  
2 they are proposed areas of study. And one of the purposes  
3 of this meeting is to identify any other studies that need  
4 to be done, if any. And the next important deadline is a  
5 deadline for proposing studies. This next slide that Pat  
6 shows will tell what needs to be included if you have an  
7 additional study that you feel is necessary for this  
8 relicensing process. There are some specific criteria that  
9 you need to include with your study request and Pat will  
10 talk about that here in a second.

11 So far, this is what the Applicant has identified  
12 as areas that need to be studied.

13 MR. MURPHY: Can everyone see the proposed  
14 studies here or may have a question? If not, we'll go to  
15 the next.

16 (No response.)

17 MR. MURPHY: These are seven specific criteria  
18 that are required for recommending a study. It goes for us  
19 recommending one or the applicants or agencies or  
20 individuals -- that sort of thing. You just can't say,  
21 well, I want to throw out a study there without documenting  
22 or presenting each of these seven criteria showing that it  
23 meets these criteria. Basically, you have to identify  
24 study goals and objectives; consider resource management  
25 goals; consider public interest; consider existing

1 information; and there needs to be a nexus to the project  
2 operations and effects. That means you can't make a study  
3 that's in the general area and the project has nothing to do  
4 with this particular impact type of thing. So there has to  
5 be a nexus between the operation and the effects.

6 Six is methodology consistent with accepted  
7 practice. And the last one, number seven, is consideration  
8 of level of effort and cost and why alternative studies  
9 would not suffice. That's the big seven.

10 MR. KARTALIA: Pat, can I make a quick comment  
11 about Criteria 2 and 4?

12 MR. MURPHY: Sure.

13 MR. KARTALIA: Another purpose of this meeting is  
14 to see -- Criteria 2 is consider resource management goals.  
15 For those attendees who are with an agency and you know of a  
16 resource management goal that we need to be aware of, it  
17 would be a good time to introduce that information into the  
18 record. One thing we want to do as we relicense projects is  
19 to keep in mind and document that we've considered resource  
20 management goals whatever the resource may be, whether it's  
21 fisheries or recreation or cultural resources. We want to  
22 know about any goals that different agencies might have.

23 And then, Criteria 4, if you know of study  
24 reports that are out there and have already been done,  
25 especially recent studies in the area, it would be very

1 useful for us to know about those studies because that might  
2 reduce the level of effort needed to study something at this  
3 project or it might influence the actual study plan  
4 development. We don't want to require the Applicant to  
5 study something that has just been studied. So if there is  
6 existing information, we always want to get a hold of that  
7 first. I just wanted to mention that.

8 MR. MURPHY: That's a good point. Any questions  
9 about the big seven?

10 (No response.)

11 MR. MURPHY: It's pretty challenging, actually,  
12 when you review the documentation here for anyone to have to  
13 actually have to go through all these without really a good  
14 explanation as to fulfill the requirements there. They  
15 have to dig deep.

16 Okay. The big dates that are coming up now, as I  
17 indicated earlier, the study requests for everyone are due  
18 on September 28. And then, the proposed study plan, based  
19 on all those requests, the Applicant will take all that and  
20 comments and put together a proposed study plan, which is  
21 filed with us. That is due on November 12, 2007.

22 After that's submitted, the proposed study plan  
23 is submitted to all the people that are involved in the  
24 process here, that are on the mailing lists or otherwise.  
25 Then we sit down and have a meeting to review that study

1 plan and have additional input or questions or stuff people  
2 want to take out maybe because the study has already been  
3 done and all that kind of stuff has to be worked out by all  
4 parties concerned.

5           After you do the meetings, the revised study plan  
6 is put together by the Applicant based on all the  
7 information that has been provided thus far, particularly  
8 that which is in the various meetings that have been held.  
9 And then, we take that information, that revised study plan  
10 and we put together what we call the study plan  
11 determination and that's the document that's used to define  
12 all the studies that are needed and that will be fulfilled  
13 later on when the Applicant does studies. They're actual  
14 studies in the field, you know -- literature studies and all  
15 that kind of stuff.

16           MR. KARTALIA: Just a quick comment, if you don't  
17 mind. So the goal is that by the spring of next year before  
18 the field season begins and the weather is good and things  
19 can be studied, we want to have everything clearly  
20 identified and all the study plans developed so that they  
21 can hire whatever contractors they need and consultants to  
22 go out and collect all the data. So that's the goal,  
23 between now and April, to have everything in order so that  
24 the data can be collected when the good weather comes.

25           MR. MURPHY: Good. Okay. Now is the official

1 time for questions or statements. I think we may have two  
2 individuals that are here. I think first we'll have Bill.

3 MS. BAILEY: I just have a question initially.

4 MR. MURPHY: Okay.

5 MS. BAILEY: I was curious whether you had  
6 contemplated using a multi-project EA or EIS. I've seen you  
7 guys use them on the Black, on the Raquette and the Hudson-  
8 Sacandaga and some of the things like geology discussion  
9 where you have plants that are close together. It's, I  
10 think, helpful. Now, obviously, it gets bigger when you've  
11 got more projects involved, but you've got -- you've got  
12 both 2850, 2851, which is Natural Dam and the biggie is  
13 2713, which has got the six plants on it and they're all in  
14 there downstream of Newton Falls -- it's between Newton  
15 Falls and Ogdensburg, which is basically the St. Lawrence  
16 River. So I just question whether you're going to go that  
17 route or go individual. Maybe you haven't thought about it.

18 MR. MURPHY: To my knowledge, we haven't  
19 considered that.

20 MS. BAILEY: You've done it for a number of New  
21 York instances. We do have a number of others beside this  
22 where they're starting this one stair step after another.

23 MR. KARTALIA: One thing about the ILP, the new  
24 Integrated Licensing Process, is I think it doesn't lend  
25 itself quite as handily to multi-project grouping in an EA;

1 particularly, because there are so many very strict  
2 deadlines and the whole purpose of developing the ILP was to  
3 move things along pretty quickly and in a real ordered way.  
4 I will say, though, that when we write the EA -- take  
5 Natural Dam, for example, or Oswegatchie developments  
6 upstream, it would make sense that as we write each of these  
7 EAs that we make reference to any developments that we know  
8 have occurred during the relicensing of the other projects.  
9 So I think, especially, in the realm of cumulative impact  
10 analysis, we will be discussing what's going on in the other  
11 relicensing proceedings. But I don't think we're going to,  
12 for example, hold up this one so that we can lump them in  
13 with the upstream ones.

14 In the past, we did that and you're right about  
15 that. We often did multi-development EAs or multi-  
16 development EISs. I think we'll just try and do a better  
17 job since we can't really practically do that and stick to  
18 this timeline. I think the way we'll address it is to just  
19 make sure that we include any developments at the other  
20 projects in whatever specific. For this project, we'll  
21 make mention of whatever activities are going on at Natural  
22 Dam and upstream as well.

23 MS. BAILEY: When you get to 2713, your required  
24 time cycles, you end up with your field work trying to be  
25 scheduled in the winter, which doesn't work very well.

1 MR. MURPHY: Right. Exactly.

2 MR. KARTALIA: I think the ILP has -- depending  
3 on when the deadlines fall, the ILP is designed so that, if  
4 necessary, two field seasons can be used. And in some  
5 projects, two seasons won't be necessary. And in some  
6 projects, maybe because of where the deadlines fall, half of  
7 the first field season may be kind of ruled out because of  
8 when study requests come in. In this case, we're in good  
9 shape because we can work through the winter and get things  
10 ironed out and then proceed when the spring weather comes.  
11 Thanks for your comments.

12 MR. MURPHY: In light of that, to show you how it  
13 kind of messes up stuff like in a logical fashion -- for  
14 Natural Dam it's about two months ahead of this winter, but  
15 we have almost the same team working on both of them. It  
16 would have been nice to have the scoping for both of them  
17 instead of having -- that kind of thing. But it wouldn't  
18 work. The timelines are so tight that your timing wouldn't  
19 fit in really. So we're going to do them separate.

20 MR. KARTALIA: Would anyone else like to make a  
21 comment?

22 MR. MURPHY: We have the sign-in guys.

23 MR. MONTAN: This is just a quick one. I'm going  
24 to make a longer one a little later. John Montan, St.  
25 Lawrence County. It's come to my attention that I believe

1 there's been an infestation of swallowwart, which is an  
2 invasive plant and someone noted that in the vicinity of the  
3 Emeryville Project. It doesn't require a study. I'm not  
4 asking for anything like that. It's just something I  
5 wanted to bring to people's attention because it is a very  
6 aggressive, invasive species and may have some kind of  
7 management ramifications for the owner in the future, not  
8 that the owner has to groom all their lands or anything.  
9 But it is a very aggressive plant and could become quite a  
10 problem along the shorelines, in particular. And I'll make  
11 a longer comment later.

12 MR. MURPHY: Thank you. You may as well go  
13 ahead, John. I didn't know that John Montan was going to be  
14 here today. John is actually with the Department of St.  
15 Lawrence County going here. I think there are a number of  
16 issues that he's going to cover and cite specifics, which is  
17 okay.

18 MR. MONTAN: I will be submitting this in writing  
19 to the reporter, so if he wants to put his feet up for a few  
20 seconds, that's fine -- or put his fingers away or whatever.

21 It's a rare opportunity to be able to address a  
22 major stretch of one of the northern flow rivers in a  
23 coordinate way with respect to fish and wildlife habitat and  
24 public recreation. Such an opportunity has presented itself  
25 through the relicensing of several hydroelectric projects

1 along the main branch of the Oswegatchie River by FERC.

2           Although these project licenses do not all expire  
3 simultaneously, their relicensing schedules are close enough  
4 together in time to make comprehensive action not only  
5 feasible, but the sensible thing to do. I list the projects  
6 that have already been mentioned. I mentioned them a minute  
7 ago.

8           St. Lawrence's interest license is granted by  
9 FERC for hydro projects may have 30 to 50 year terms, so  
10 it's important to ensure that measures are put in place,  
11 when needed, to provide public benefits. The county's  
12 general interests with respect to these projects are  
13 twofold: (1) to provide public access to the river for  
14 boating and fishing; (2) to protect the aquatic ecology and  
15 thereby provide suitable habitat for fish and wildlife; and  
16 (3) to provide a river enhancement fund in a manner similar  
17 to other hydroelectric projects that have been licensed in  
18 St. Lawrence County and the State of New York.

19           The County's interest largely overlap those of  
20 other stakeholders. However, the county will not be  
21 abdicating responsibility and relying on these stakeholders  
22 who represent us. In the case of aquatic ecology, both New  
23 York State DEC and the U.S. Fish and Wildlife Service have  
24 regulatory authority. St. Lawrence County has a Fisheries  
25 Advisory Board whose input should be solicited and

1 represented along side these two agencies and groups like  
2 Trout Unlimited, New York Rivers United and New York  
3 Audubon.

4 In the case of public access, the Laurentian  
5 Chapter of Adirondack Mountain Club and the New York Rivers  
6 United will be consulted. The County should be viewing the  
7 Oswegatchie River as a whole. Having adequate public access  
8 will enhance its attractiveness as a recreational corridor.

9 Last, in the case of establishing a river  
10 enhancement fund, the best way to achieve this, we believe,  
11 would be to establish a fund that some long-term entity,  
12 which is agreed upon by the parties, would administer. And  
13 into which each of the various hydroelectric projects would  
14 contribute on an annual basis. Such a fund would be used  
15 for a variety of research, habitat improvement and public  
16 access recreation and education projects beyond those things  
17 that are stipulated as license conditions.

18 Precedent for this type of fund may be found in  
19 the settlement agreements for projects on the Black River,  
20 St. Lawrence River and Raquette River, as examples. The  
21 Oswegatchie River Fund would be different from the existing  
22 Raquette River Fund in that Erie Boulevard Hydropower would  
23 not be the sole funder. Annual contributions from the  
24 owners of Natural Dam and Emeryville would also be included  
25 under such an agreement and therefore, these comments are

1 germane to today's hearing.

2           The rule of the St. Lawrence Board of Legislators  
3 is threefold: (1) to authorize by resolution that the St.  
4 Lawrence County Planning Office represent the county in the  
5 licensing process for the listed hydroelectric projects,  
6 including this one. A resolution to this effect has passed  
7 at the committee level and awaits passage at the September  
8 10 Board of Legislators meeting; (2) consult with St.  
9 Lawrence County Environmental Management Council, the County  
10 Highway Department, Fisheries Advisory Board and relevant  
11 municipalities regarding issues of public access, fisheries  
12 and projects that could be supported with an Oswegatchie  
13 River Enhancement Fund; and (3) sign any acceptable  
14 settlement agreements that may arise from the licensings.

15           That's the end of my comments. Thank you.

16           MR. MURPHY: Thank you.

17           MR. DASHNAW: I'm Bill Dashnaw with St. Lawrence  
18 County Highway. My interest is very specific to this  
19 meeting and it involves the bridge over the power inlet.  
20 We've had discussions with the town and Mike with members of  
21 our department for a number of years. And the issue of  
22 ownership of the bridge has not been cleared up as to date.  
23 So one of the things that we really need to do is to clear  
24 up the ownership of the bridge. So in this process I'm  
25 hoping that that will take place and specifically, for the

1 best interest of public safety here. That bridge is rated  
2 at a 3.192, a general condition rating, and there are a  
3 number of deficiencies. Thank you for the opportunity.

4 MR. MURPHY: Any other questions? Yes.

5 MS. BAILEY: Betty Lou Bailey, Adirondacks  
6 Mountain Club. First of all, when I was reading the ad, I  
7 discovered that there was a recreation plan from 1992, which  
8 was not to be distributed and it was to be put in the  
9 critical energy infrastructure information. To me, a  
10 recreation plan is not infrastructure. So inherently, that  
11 seems incorrect and I was showing Pat last night about the  
12 proposed regulation change where they expect that they will  
13 drop the non-Internet public information and essentially,  
14 that will all become public information.

15 And then, the other thing is that they are  
16 essentially -- when you read between the words -- the nickel  
17 description of what they are saying is that they are tired  
18 of CEII throwing on things that aren't CEII and I think this  
19 recreation plan is a prime example of something that should  
20 not be CEII. And I would think that not only people like  
21 me, but also other people that got the PAD should be able to  
22 get copies of that recreation plan without further ado.

23 The Notice of Public Recreation -- the proposed  
24 regulation. That's what it is -- NOPR -- that was last  
25 fall. So I don't know -- assuming somebody in another

1 office at FERC has been digesting those replies to that,  
2 where that stands. So there are basically some expected  
3 changes there. The most interesting one is they might even  
4 propose an application be rejected on the basis of things  
5 being CEII that they consider not appropriate. So they're  
6 getting serious about it. That's the first thing.

7 I want a copy of the recreation plan. To me,  
8 that's more interesting than the existing license because  
9 I'm interested in recreation. I find that the PAD has too  
10 much attention to things Adirondack when you're outside the  
11 blue line, which is the boundary of the official Adirondack  
12 area and particularly, when you drive through this area and  
13 see the talc lines and things like that that you typically  
14 don't see in the Adirondacks. You know that the geology is  
15 different and there are places on the Hudson just outside  
16 the blue line where you don't get that feeling. You still  
17 feel like when you're in the woods. It looks Adirondackie.  
18 I don't get that feeling here. So that in reference to  
19 protection for rivers in the Adirondacks should be rather  
20 briefly dismissed. By the time you get down here, the blue  
21 line goes through one of the projects on 2713 that's just  
22 upstream of Edwards. So we are beyond the blue line here.  
23 There's no question about it.

24 The third item is that the PAD somehow does not  
25 have a good topo map in it, and this is something, which is

1 typically included, but it is not mandated by the FERC  
2 requirements. It is helpful to have it and so I was a  
3 little surprised that it wasn't there. And I think this  
4 leads to this question of we know that there's this land  
5 that's south of the project boundary that's owned by  
6 Hampshire Paper and Bruce Carpenter, last night, suggested  
7 that perhaps an easement should be made on there so that you  
8 don't have development.

9 I would suggest that we should study to see if  
10 when you went up to the top where apparently there used to  
11 be a crane in the days of running logs down the river, you  
12 might discover that you've got a foundation there that would  
13 lend itself to some sort of a nice outlook. So I will be  
14 proposing, in my written comments, to explore that area and  
15 see if there isn't a good place that could be made into an  
16 outlook with a trail leading up to it. The topo map would  
17 be useful to organizing a best guess as to how you might  
18 most easily go up there and then see if there is some sort  
19 of -- it may not work out. But there isn't anything  
20 resembling a lookout up there, but this assumes you might  
21 cut down a few trees to -- you can kind of tell whether you  
22 have the makings of a good outlook there.

23 On page 2.9, you folks have a grid or table of  
24 how things are going to be handled in the future, which, for  
25 the obvious reason that I'm not included, is sort of an

1 automatic reaction that you get. But I do not have e-mail  
2 and I don't have a computer in the house, so I go to the  
3 computer and read the Federal Register and the Environmental  
4 Notice Bulletin of the State of New York. But I don't visit  
5 the computer that often to consider it an adequate way of  
6 providing information to me. You know, you might send a  
7 notice of an agenda of meeting and I wouldn't get it,  
8 basically, until maybe the meeting was over or something of  
9 that sort.

10 I do have a fax. Niagara Mohawk was laying off  
11 people and had excess office equipment so they gave me a fax  
12 and that was essentially initiated by the time I went over  
13 to Rome for a meeting that was cancelled. When I got home  
14 that day, why, the notice was in my mailbox. So they gave  
15 me a fax. The fax was put in conjunction with my upstairs  
16 phone, so I have to switch the line from voice to fax. And  
17 you can only put one thing on each phone, so I have the  
18 answering machine on the downstairs phone and that is more  
19 important than the fax machine because you get more phone  
20 messages. So that's how I'm set up and I would like to be  
21 accommodated with mail or fax inputs. If I have to do the  
22 switch over to voice to fax, I need to be told. So I prefer  
23 people calling me. Scott, who was here last night, is very  
24 good at that. And if you don't get me, you just leave a  
25 message and say we're trying to send you a fax, and I know

1 who to call back easily. So that works. If you don't call,  
2 and I answer and I hear the squeal, I will go upstairs and  
3 turn the line over to the fax and most of the time within  
4 five minutes the machine will automatically try again. So I  
5 do get a chance, as long as I'm there, to manage to get it  
6 on the second or third cycle.

7           As far as detailed comments, I think it's best  
8 for the editorial things to simply write it out for you  
9 folks and so I will send them. There are not a whole lot.  
10 There are some. About half of them relate to them what I  
11 consider to be the midwestern concept of what "town" means.  
12 Because I was raised in the Midwest and when I learned that  
13 they had town meetings in New England, I thought that  
14 sounded bad because I figured that this meant that all the  
15 farmers got left out and then I moved to the Northeast and  
16 discovered that the town is a subdivision of a county and  
17 that that's where the government resides. And when you see  
18 something in the PAD that talks about the Hamlet of Fowler  
19 with an address, why that really looks strange because there  
20 is no government body in the Hamlet of Fowler. There is a  
21 town of Fowler. It is not, you know, a couple of miles away  
22 from the plant because the plant is in the Town of Fowler  
23 and you just have to get sort of reoriented to the way it  
24 works.

25           St. Lawrence County, since it's the biggest

1 county in New York, has quite a few towns. I believe there  
2 are no incorporated villages in the Town of Fowler. Is that  
3 correct? That's correct. Okay. It's actually an efficient  
4 system. I live in a town, which is largely suburbia, and  
5 there's only one incorporated village in the entire town I  
6 live in and you don't have six different police forces  
7 running around the town because there's only one police  
8 force for the whole town. So there's a certain economy to  
9 this sort of structure, but it is different from what I  
10 experienced in the Midwest.

11 MR. MURPHY: Does anyone else have any comments  
12 or recommendations?

13 (No response.)

14 MR. MURPHY: We'll officially conclude the  
15 scoping for Emeryville.

16 MR. KARLATIA: I just wanted to remind the people  
17 of the next due dates.

18 MR. MURPHY: Yes. Again, the next due date is  
19 September 28, 2007 for studies, comments or recommendations  
20 -- anything like that. So remember September 28. Thank you  
21 again for coming out and contributing to the scoping  
22 process. Have a good day.

23 (Whereupon, at 2:00 p.m., the above-referenced  
24 matter was concluded.)

25