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FEDERAL ENERGY REGULATORY COMMISSION
OFFICE OF ENERGY PROJECTS

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PROJECT NOS. 12958-001 and 12962-001
KENTUCKY AND INDIANA
UNIONTOWN HYDROELECTRIC PROJECT AND
NEWBURGH HYDROELECTRIC PROJECT
UNIONTOWN HYDRO, LLC AND
NEWBURGH HYDRO, LLC

SCOPING MEETING
January 30, 2009
Evansville Vanderburgh Public Library
200 South East Martin Luther King Blvd.
Browning Events Room
Evansville, Indiana 47713

1 APPEARANCES:

2 For Federal Energy Regulatory Commission

3 Jennifer P. Adams - Wildlife Biologist

4 Sean Murphy - Fisheries Biologist

5 Spencer Uminski, P.E. - Symbiotics

6 Erik Steimle - Symbiotics

7 Ken Lamkin - U.S. Army Corps of Engineers

8 Van Shipley - U.S. Army Corps of Engineers

9 Lisa Underwood - U.S. Army Corps of Engineers

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1 MS. ADAMS: I would like to call the
2 meeting to order. It is by my watch about 9:16
3 a.m., and we are hereby holding a meeting, scoping
4 meeting for the Uniontown and Newburgh
5 Hydroelectric Projects.

6 My name is Jennifer Adams, I'm with
7 the Federal Energy Regulatory Commission. And I
8 would like to introduce my coworker, Sean Murphy,
9 he's with the Federal Energy Regulatory Commission.
10 He's an aquatics --

11 MR. MURPHY: Fisheries Biologist.

12 MS. ADAMS: Fisheries Biologist.
13 I'm a Wildlife Biologist. And let me get myself
14 organized for a minute. I appreciate you attending
15 and participating in this scoping meeting for the
16 two hydroelectric projects.

17 I'd like to begin with introductions
18 so that we all know who each other are. Would you
19 mind to introduce yourself again, please?

20 MS. UNDERWOOD: I'm Lisa Underwood,
21 I'm Limnologist underwater quality team for Army
22 Corps of Engineers in Louisville.

23 MS. ADAMS: Okay.

24 MR. SHIPLEY: Yeah, I'm Van Shipley,
25 ecologist in planning for the district.

1 MS. ADAMS: Okay.

2 MR. LAMKIN: And I'm Ken Lamkin, I'm
3 the Hydropower Coordinator.

4 MR. UMINSKI: Spencer Uminski with
5 Symbiotics and Civil Engineer.

6 MR. STEIMLE: Erik Steimle, also
7 Symbiotics, Director of Environmental Compliance.

8 MS. ADAMS: And you had just
9 introduced yourself. I'd like to point out that
10 Erik and Spencer are representatives for the
11 Uniontown Hydro and the Newburgh hydro companies,
12 and they are the representatives during this
13 process.

14 I'd like to begin by offering you a
15 very brief agenda and let -- so that you know what
16 we intend to accomplish today.

17 I have a few meeting protocols to go
18 over. I'll briefly provide an overview of the
19 integrated licensing process.

20 Erik has a presentation for us so
21 that he can provide more information about these
22 two projects. And then we'll come back and review
23 each individual resource issue and each proposed
24 study plan so that you all can comment on those
25 issues and study plans.

1 All of you all have registered, and
2 for that I thank you because we want to have a
3 clear and accurate record of attendance for the
4 meeting. I think all of you all picked up each of
5 three documents, and I would like to take a moment
6 to let you know what those are.

7 One is the scoping document. You
8 may or may have not seen this, but I believe it was
9 provided to everybody on the mailing list, and the
10 Corps of Engineers is on the mailing list.

11 The second document is information
12 that is contained here in the scoping document, but
13 it's on a separate sheet of paper, because
14 sometimes it's easier to have it handy to have the
15 instructions for how to file written comments and
16 study plans. And then the comprehensive plans
17 apply to state agencies.

18 Lastly, there's a flow chart
19 available, and we'll talk more about this in a few
20 minutes, and it's an overview of the steps and the
21 order of the steps in the licensing process.

22 We also have a court reporter
23 present, Mr. Terry Holmes, and he'll be recording
24 the meeting such that all of the verbal comments
25 become part of a written record that the Commission

1 will use as a basis for making decisions later.

2 So when you do have a question, a
3 comment, or would like to initiate a discussion, if
4 you could please state your name loudly and
5 clearly, and if you have a difficult name, then
6 spell it, so that your name can accurately be
7 reflected in the record of the meeting.

8 We're here to initiate scoping of
9 the Newburgh and Uniontown Hydroelectric Projects.
10 And the Commission conducts scoping in order to
11 identify issues that are associated with evaluating
12 the environmental effects of a proposed action and
13 its alternative. We expound on scoping in Section
14 2.1 of the scoping document.

15 All stakeholders, agencies,
16 non-governmental organizations, the commission
17 staff, and the public use scoping to help identify
18 information and study needs that will ultimately be
19 used to develop operational and environmental
20 recommendations.

21 Have you from the Army Corps of
22 Engineers been involved in licensing processes
23 before?

24 MR. LAMKIN: Not with the new
25 integrated licensing process, at least not in the

1 lower district.

2 MS. ADAMS: Okay. The traditional
3 was -- Excuse me.

4 MR. SHIPLEY: When was the last time
5 you updated your recommendations, what was the
6 date?

7 MS. ADAMS: Are you at --

8 MR. SHIPLEY: I was wondering, when
9 was the last time that your regulations were
10 updated, what year?

11 MS. ADAMS: Are you -- we -- well,
12 the integrated licensing process was developed in
13 2003.

14 MR. SHIPLEY: Okay.

15 MS. ADAMS: If that answers your
16 question?

17 MR. SHIPLEY: Yeah. I mean,
18 remember, I haven't dealt with this since the
19 '90's.

20 MS. ADAMS: Okay.

21 MR. SHIPLEY: So it's changed.
22 That's all I wanted to know. It's now -- and
23 you've kind of redone your regulations and -- okay.

24 MS. ADAMS: Yes. And I'll provide a
25 brief overview of the integrated licensing process.

1 You were probably working with, I suspect, the
2 traditional licensing process. There is an
3 alternative licensing process, also.

4 MR. MURPHY: We still use all, all
5 three.

6 MR. SHIPLEY: All three, do you,
7 okay.

8 MR. MURPHY: We tell people new
9 licensees, new applicants to use this one. This is
10 the preferred one.

11 MR. SHIPLEY: Okay. So when you
12 renew 'em, you go on the old ones, or is that --

13 MR. MURPHY: All of 'em we're trying
14 to push on --

15 MR. SHIPLEY: You're trying to push
16 on this, okay.

17 MR. MURPHY: They can request the
18 other ones. They have to make a formal request.

19 MR. SHIPLEY: Now I'm understanding.

20 MS. ADAMS: The Integrated Licensing
21 Process Regulations outlines certain purposes for
22 scoping. And so the first purpose is to just to
23 initiate scoping, then to review and discuss
24 existing conditions and resource management
25 objectives. Review and discuss existing

1 information and make a preliminary determination of
2 study needs. Review, discuss, and finalize the
3 process plan and discuss cooperating agency status.

4 Now, the Integrated Licensing
5 process was developed in July 2003, and it was
6 envisioned to be a more timely and efficient
7 process by providing a transparent process, while
8 still protecting the effected environment.

9 Some requirements of the Integrated
10 Licensing process that do contribute to the
11 timeliness and the efficiency are the, a
12 pre-application document must be filed. And this
13 is the basis for the Integrated Licensing process.
14 It's the information that we use to develop the
15 scoping document to start the scoping process or
16 the scoping meeting and provide some information
17 for the environmental assessment, as well.

18 FERC staff is involved early on, as
19 compared to traditional licensing process.
20 Additionally, the public and NGOs and agencies are
21 involved early on, as well.

22 There is early need for scoping.
23 After, after an applicant files a notice of intent
24 to license a project and the pre-application
25 document, then we initiate scoping within 90 days

1 of the filing date.

2 The Integrated Licensing Process is
3 a schedule-driven process. So there is a process
4 plan. That plan is in Appendix A, which is the
5 second to last page of your scoping document.

6 It's a schedule-driven process where
7 all parties involved, including the Commission,
8 follow these time lines. There is also early study
9 plan development, which is why we typically like to
10 have state and federal agencies involved, such as
11 the fish and wildlife service and state game and
12 fish agencies. And there's also an informal
13 dispute resolution process if study plans cannot be
14 agreed upon, informal dispute resolution processes
15 if needed.

16 Now I want to interject to let you
17 know where to find more information about the
18 licensing processes. You can go to www.FERC.gov.
19 Click on "Industries" and then click on
20 "Hydropower." The flow chart, the regulations, and
21 everything you'll find on the Internet, and it's in
22 a downloadable form.

23 More specific to these two projects,
24 the Uniontown and Newburgh hydroelectric projects,
25 on October 31st, 2008, Newburgh-hydro and

1 Uniontown-Hydro filed notice of intents to use the
2 Integrated Licensing Process to license these two
3 projects.

4 They also filed pre-application
5 documents in accordance with the regulations. And
6 what that did was it started Step 1 or Box 1 of the
7 licensing process. And this flow chart is not
8 quite like yours. Yours has dates that are in red,
9 and there should be a date in most every box so
10 that you know which dates correspond with which
11 step. So when they filed their NOI in the pad,
12 then that put us in Box 1.

13 All the regulations are listed in
14 the lower left-hand corner of each box. And on the
15 Internet you can actually click on the box and
16 it'll pull up the regulations and a lot of details
17 about each step, if that helps you.

18 I mentioned this is a -- this
19 process is a schedule different -- schedule-driven
20 process with time lines of specific steps, and it's
21 important that each step proceed in a particular
22 order.

23 The dates that are on your copy are
24 in the process plan at the end of your scoping
25 document.

1 Now this flow chart is broken into
2 two parts. This first part is the upper part of
3 what you see on your paper, and these are the
4 pre-filing activities. And it starts, you know,
5 with filing the Notice of Intent and the
6 pre-application document. And the second step, or
7 excuse me, the second part of the flow chart starts
8 with the filing of the license application. So
9 those are all of the activities that occur on or
10 after the filing of the application.

11 Now I do want to make a point that
12 these dates, we do try to stick to these dates.
13 Occasionally the dates may be subject to change.
14 If one date changes, there can be a cascading
15 effect, such that all of the other dates will
16 change or subsequent dates will change. But
17 typically when we plan it we try to look far ahead
18 into the calendar to plan for weekends, holidays
19 and so forth.

20 Now, are there any questions about
21 the licensing process at this point? Okay. I
22 didn't want to overwhelm you with information.

23 MR. SHIPLEY: I guess I do have one
24 question.

25 MS. ADAMS: Okay.

1 MR. SHIPLEY: Was you planning on
2 making this as environmental assessment or an EIS
3 or you haven't determined that yet?

4 MS. ADAMS: We have not determined
5 that yet.

6 MR. MURPHY: Haven't determined
7 that.

8 MR. SHIPLEY: So when -- Is it in
9 the flow chart?

10 MS. ADAMS: Yes.

11 MR. SHIPLEY: I'm trying to be real
12 fast.

13 MS. ADAMS: No, that's okay. And
14 actually the -- Let me find my --

15 MR. SHIPLEY: Yeah, you don't have
16 any -- I mean you don't plan on trying to do
17 assessment and then move it to an EIS, do you, you
18 go with one or the other, right?

19 MS. ADAMS: Sean, can you answer
20 that question?

21 MR. MURPHY: Yeah. No, we don't
22 usually do an EA and then do an EIS.

23 MR. SHIPLEY: Yeah, I know, you can
24 always shift it into it, but that a good -- good
25 use of your resources.

1 MR. MURPHY: Right.

2 MR. SHIPLEY: Right, okay. But
3 right now, when in the process do you -- at the end
4 of the top flow chart you normally make your
5 decision?

6 MR. MURPHY: Yeah, we would know by
7 then.

8 MR. SHIPLEY: Know by then, okay.

9 MR. MURPHY: Because you've got two
10 years of study data.

11 MS. ADAMS: All along the top part.
12 It's looking like June 7th, 2012, is the expected
13 date for issuing a draft EA or EIS.

14 MR. SHIPLEY: EIS. Oh, so you've
15 got lots and lots of time.

16 MS. ADAMS: Right. And that is --

17 MR. MURPHY: We would know by the
18 time of the ready for acceptance, ready for
19 environmental assessment due in August if we're
20 going -- If we're going to say it be saying be
21 ready for environmental impact assessment.

22 MR. SHIPLEY: Okay. So then you
23 have in the time frame when you would put your
24 notice in the Federal Register?

25 MR. MURPHY: Yes.

1 MR. SHIPLEY: If you don't do an EIS
2 then you don't need to put it in the Federal
3 Register?

4 MR. MURPHY: Well we would still be
5 saying --

6 MR. SHIPLEY: You'd still have
7 something in the Federal Register, but not notice
8 of intent to prepare the EIS?

9 MR. MURPHY: It would be an intent to
10 prepare an EA.

11 MR. SHIPLEY: EA. Okay. But you
12 will put that in the Federal Register?

13 MR. MURPHY: Yes.

14 MS. ADAMS: Okay. I should take a
15 moment to point out some important dates that are
16 coming up relatively soon in the process. Let's
17 see, I'll start with -- We're right here, the
18 scoping meetings, and then on your sheet you should
19 see that comments on the pre-application document,
20 comments on the scoping document, and study request
21 must be filed by March 2nd, 2009. I'll provide you
22 with some information a little later on on how to
23 file those comments or study requests and what
24 should be included in the study request if you
25 choose to file one.

1 Let's see, the applicant will file
2 their proposed study plans, April 16th, 2009.
3 Then there will be a Study Plan Meeting on May
4 14th, 2009. And then comments on the proposed
5 study plan must be filed by July 15th, 2009.

6 Most of the activity is on the front
7 end of this process. This process is front-loaded,
8 compared to the traditional licensing process. So
9 there are a few important dates coming up through
10 this summer that I wanted to point out, and these
11 are dates where we typically like to have comments
12 from other agencies, as well as the public and
13 NGOs.

14 MR. MURPHY: Can I just make one
15 other comment?

16 MS. ADAMS: Yes, you can.

17 MR. MURPHY: If somebody files
18 something early, it doesn't change the rest of the
19 dates. That time is just allotted to the next
20 step.

21 MR. SHIPLEY: To the next step.

22 MS. ADAMS: 'Cause we cannot short
23 change the public their allotted time for comment,
24 so.

25 Do you have any other comments at

1 this point, Sean? Okay. If you all -- Do you have
2 more questions about the IRP?

3 MR. SHIPLEY: No, no, I feel this is
4 a lot better process than I've seen in the past.

5 MS. ADAMS: Good, very good. Well,
6 at this point, I would like to turn the meeting
7 over to Erik, who will present specific information
8 about the projects to you and to all of us.

9 ERIK STEIMLE

10 MR. STEIMLE: Okay. As Jennifer
11 mentioned, my name is Erik Steimle and I'm with
12 Symbiotics as is our project engineer Spencer
13 Uminski, and I have a short presentation for you
14 this morning about the two projects divided up into
15 a few of the categories.

16 First, I'd like to talk about the
17 relationship between Uniontown Hydro LLC and
18 Newburgh Hydro LLC and the specific relation to
19 Symbiotics. And then I'll talk briefly a little
20 bit about Symbiotics, some of our other projects
21 and our development philosophy. Afterwards I'll
22 move right into the projects themselves, a little
23 bit of background about the facilities, but
24 specifically the features we propose at this time
25 are what you see in the pad, and then the

1 associated operations with that. Afterwards I'll
2 outline just briefly some of the research issues
3 that are identified in the pad. I won't stick to
4 those too long, as Jennifer is gonna go back over
5 those after my presentation. And I'll also talk
6 just briefly about the studies we proposed at this
7 time in the pad. And finally at the end, I'll
8 provide you with some contact information. Our
9 office is dealing with the preliminary engineering
10 and licensing, and also our website where you can
11 obtain additional information about our company.

12 So Uniontown Hydro LLC and Newburgh
13 Hydro LLC are jointly owned companies between
14 Symbiotics and AES Hydro, both hydroelectric
15 development companies. I'll speak specifically
16 about Symbiotics since we're representing them here
17 today.

18 We were founded to license,
19 construct, and operate new hydroelectric projects
20 that we consider both be economically and
21 environmentally sound.

22 The primary way that we do this is
23 to design what we call "run-of-river retrofit
24 projects." And these two projects on the Ohio we
25 consider to be just those types of projects. And

1 what we do in these cases is we retrofit an
2 existing diversion that does not have hydro on it,
3 but we adopt the existing management regime for
4 that diversion. And in doing so we keep in place
5 the balance of municipal, in this case,
6 specifically navigational demands, as well as often
7 recreation and environmental constraints associated
8 with the diversion.

9 We have a number of projects
10 throughout the U.S. We started on the west coast
11 and we have been moving east, and these are our
12 first projects in the midwest.

13 I have a few pictures of some of our
14 other current projects right now. Our Dorena dam
15 project is in western Oregon. We just received a
16 federal license for that a couple months ago.
17 Final engineering is ongoing. The Chester Dam
18 project is in eastern Idaho. We received a federal
19 license for that earlier in 2008 and it's currently
20 under construction. And the Island Park Dam is
21 just outside of Yellowstone National Park, and
22 that's our oldest project. We licensed and
23 constructed it in early '90s, and it's been in
24 operation for over 15 years.

25 J.T. Myers lock and dam, everyone

1 here is well aware that it's owned and operated by
2 the Corps when it went into operation. It's a
3 fixed weir dam, over 3500 feet long, and has one
4 main, one auxiliary lock.

5 Brief descriptions of the
6 modifications. Obviously the largest visual
7 component associated with these projects is the
8 powerhouse structure itself. We estimate at this
9 point in time it would be 75 by 340 feet in size,
10 and it would sit just south of the tainter gates
11 along that existing weir.

12 We proposed four 24 megawatt Kaplan
13 turbine units at this point, and also trash racks
14 associated with the project that would keep debris
15 from entering the turbines.

16 With J.T. Myers there would be the
17 insulation of 14.4 miles of new transmission, which
18 would lead from the dam, to the northeast, and tie
19 in with an existing substation along the western
20 edge of the community of Mt. Vernon.

21 This is an engineering schematic of
22 what the project would look like. Everything you
23 see delineated in black is an existing feature, and
24 everything in red is something that we would add.
25 So just for a little orientation, the river flows

1 right to left in this slide, and then here are the
2 existing lock facilities. And, again, what you can
3 see right away from this is the large visual
4 component the powerhouse adds to the structure
5 itself, again just sitting south of the tainter
6 gates there.

7 As I mentioned before, both these
8 projects we have here are what we call
9 "run-of-river projects," so we'd be capturing just
10 a range of flows, as releases or management is
11 dictated by the Corps. So in theory the Corps
12 would actually dictate how much power we can
13 actually produce from this project. So, again, I
14 did how much power we're gonna produce and
15 ultimately how we're gonna design the project.

16 We take a look at either median flow
17 or historical record. In this case the best data
18 we have is median daily stage height at J.T. Myers.
19 So the graph that you see here in this slide shows
20 median daily stage height at J.T. Myers. It's
21 based on 18 years of historical data provided to us
22 by the Corps. You have days of the calendar year
23 along the X axes, and stage height and feet along
24 the Y axes.

25 With this particular project, we

1 would be able to utilize flows between 324 point --
2 Or excuse me, elevations where it -- excuse me.
3 Elevations between 324.4 and 339 feet,
4 respectively. So the line in red that you see
5 moving across the graph is the median daily stage
6 height. The lowest blue line you see there is
7 supposed to illustrate 324.4. Below that line our
8 project -- below that elevation our project would
9 be off line. So we're talking there primarily
10 during the late summer, early fall months. There
11 would not be enough flow for our project to be on
12 line.

13 And conversely, at the top blue line
14 illustrates 339. When the elevations and the river
15 are that height or above, there's not -- there's no
16 longer a head, a head available for us to produce
17 any power, so.

18 The second line that you see there,
19 just above the 324.4 line should illustrate 327.7.
20 And why that's important is that with this
21 particular project, between 324.4 and 327.7, all
22 flows would be going through our powerhouse, with
23 the exception of the water required for navigation,
24 and then coming out of our new outlet.

25 Now, when the stage height exceeds

1 327.7, in between 339, you would see flows coming
2 out of our powerhouse, but also flows coming out of
3 the existing tainter gates.

4 MR. LAMKIN: I just have one other
5 question. Tail-water elevation?

6 MR. STEIMLE: Yes, I'm sorry. Yeah.
7 We usually -- usually with these we have flow data
8 versus elevation data, but the elevation data was
9 so much more recent than the flow data that we had
10 access to, so apologize.

11 MS. ADAMS: Excuse me. Did you hear
12 his question?

13 MR. LAMKIN: Yes, I was asking --
14 Ken Lamkin. Ken Lamkin. I was just clarifying
15 that 327.7 and 324.4 was tailwater elevation and
16 not headwater elevation.

17 MR. STEIMLE: Yeah. With this
18 particular project we predict that would -- that on
19 average it would be on line about 60 percent of the
20 time and that it would produce approximately 330
21 gigawatt hours of electricity annually.

22 Move on and talk about Newburgh.
23 Similar, very similar project. The dam itself
24 again is a concrete fixed weir diversion, it's over
25 2200 feet long and it also has one main and one

1 auxiliary lock.

2 Modifications we propose here are
3 very similar to what we proposed at J.T. Myers.
4 Again, the large visual addition in the powerhouse
5 structure. In this case we propose five 13
6 megawatt Kaplan turbine units. Again, the
7 installation of trash racks, upstream with the
8 turbines. And the installation in case of just
9 under five miles of new transmission that would tie
10 in with an existing substation to the northeast of
11 Newburgh dam.

12 Similar engineering schematic to the
13 last -- to the J.T. Myers' project. Again, for
14 orientation, Ohio River flows right to left, and
15 then the existing lock facilities are right here.
16 And once again there's the large visual component
17 added of the powerhouse itself, again, south of the
18 -- or southwest of the existing tainter gates and
19 sitting along that current weir.

20 This is the same type of graph as
21 you just saw previously. Looking at stage height
22 and the tailwater at Newburgh Dam. With this
23 particular project we design at this point to
24 utilize flows between 342.3 and 355.3. And those
25 are indicated by the blue line on this graph, and

1 again at the very bottom and then the upper blue
2 line, as well.

3 Again, we've illustrated there a
4 line of just under -- I believe it's just under
5 345. Just -- I think it's 344.9, is what the pad
6 says. I believe that's right. At 344.9. So
7 between that elevation and 342.3, again, all flows
8 would be coming through the project and exiting out
9 of the project's outlet. And then between
10 elevations and the tailwater at 345 and 355, you
11 would see flows coming out of the existing tainter
12 gates, as well as, as the powerhouse structure.

13 With this project we estimate that
14 it would be on line a little bit more than J.T.
15 Myers, approximately 70 percent of the time, and it
16 would produce about, just over 260 gigawatt hours
17 of electricity annually.

18 For those of you that took a look
19 at the pad, these are the resources that were
20 reviewed in that document. Again, we're gonna go
21 over 'em one-by-one here, just in a little bit.
22 But as Jennifer mentioned, the purpose of scoping
23 today is to discuss how those resources were
24 identified and how those -- how impacts on these
25 resources were identified in the pad, and talk a

1 bit about that, but also for us to find out
2 additional information or sources of information
3 that may not have been included in the pads. But
4 you can see from the list that it includes
5 socioeconomic, cultural, and environmental
6 resources.

7 This is the preliminary list of
8 proposed studies, exactly as it was presented in
9 the pads. And it's by no means the final list of
10 studies. But this is the preliminary list that we
11 feel will be necessary to complete -- for us to
12 obtain the necessary information about these
13 resources.

14 I know that the question was asked
15 earlier about FERC's determination on the EA or
16 EIS. Although I can't speak for FERC, I will say
17 that Symbiotics makes every effort to complete the
18 necessary studies during our study portion so that
19 FERC does not feel that they need to complete an
20 EIS as it expedites the process for us. But we
21 don't make that decision, it's just something that
22 we work towards, so.

23 I'll just talk briefly about these,
24 and, again, at the end, you can ask any questions
25 about them. We've proposed a wetland determination

1 to find out whether or not any project features
2 including all transmission with displacing
3 jurisdictional wetlands.

4 Aeration Monitoring Plan has been
5 proposed to ensure that we don't alter dissolved
6 oxygen, specially during the summer months,
7 downstream on the proposed project.

8 Tailwater Aquatic Habitat Study has
9 been proposed to see how the project might alter
10 hydrology and in turn how that might effect aquatic
11 habitat immediately downstream of the project, as
12 well as, you know, including everything to setting
13 a transfer.

14 Native Mussel Survey has been
15 proposed. We're interested in understanding what
16 the base-line populations are of native muscles.
17 Many of 'em have federal status, downstream of both
18 projects, and specifically what types of impacts
19 the projects could have on those populations.

20 We're also interested in Zebra
21 Muscles, they are posing a continue -- they're a
22 challenge to our project features and especially
23 design, and so we'd like to know early on what
24 those populations are like here currently.

25 And vegetation characterization,

1 mapping, rare plant surveys, again, we just want to
2 ensure that project features don't displace any
3 vegetation of special status.

4 Cultural Resource Surveys are
5 proposed to make sure that we don't interfere with
6 or currently displace any archaeologically
7 significant or culturally significant artifacts or
8 properties.

9 A Recreation Enhancement plan has
10 been proposed for the Uniontown Hydroelectric
11 project at J.T. Myers, not for Newburgh, and the
12 reason for that is that just when we drafted the
13 applications, the applicant felt that there was a
14 more limited amount of recreational opportunities
15 at J.T. Myers in comparison to Newburgh. That's
16 that's really the only reason at this point.

17 And finally Sensitive Wildlife
18 Habitat Surveys have been proposed within a
19 one-mile radius around the proposed -- within a one
20 mile radius around whole project features to ensure
21 that we don't harm or displace critical habitat,
22 either directly rare project operation or temporary
23 during project construction.

24 And that's all I have.

25 MS. UNDERWOOD: This is

1 Ms. Underwood. But I wish ORSANCO were here or
2 Fish and Wildlife, but based upon the studies this
3 definitely feels like the fish, and what I was
4 wondering is, the time that you got all flow going
5 through your project -- I can't remember exactly
6 what's estimated time that that occurs, but are you
7 going to investigate like the impacts on, let's say
8 during spawning period, which I would think that
9 that would be related to the Native Mussel, too.
10 You know, what's the impact of having all of that
11 water flowing through the project on the life of
12 the fish? And what age, what stages and
13 reproductive cycling does that occur, too? Are you
14 going to -- can you include anything that deals
15 with the issues, not only from fishery perspective,
16 but also in terms of getting those little, the
17 mussel, (belletors) or something, you know, fish
18 gills, how the fish are related to the muscles, and
19 what happens with the fish. You know, when this
20 water is flowing through the -- your powerhouse,
21 particularly during periods when all flow is going
22 through your powerhouse?

23 MR. STEIMLE: Do you want to have me
24 -- I'm happy to answer the question. Do you want
25 to wait until we go to the resource section to talk

1 about that or do you want -- I'm happy to answer it
2 now, and then again when we get to that point or
3 how do you want to?

4 MR. MURPHY: You can answer it now.

5 MR. STEIMLE: Okay. Some of the
6 stuff you're asking about as far as fishes was
7 outlined in our pad. We did -- we do understand
8 there is the potential for entrainment entrapment
9 of definitely certain different ages of fishes and
10 species of fishes with our project. We are hoping,
11 as Jennifer outlined a little bit earlier, the next
12 step in this process is a fairly dynamic scoping
13 period for the actual studies. And so we're
14 looking to the resource agencies to help us define
15 a number of things associated with fishes,
16 specifically.

17 I know one -- at least one of our
18 fisheries biologist has been in contact with the
19 resource agencies in Indiana and Kentucky, Keith
20 Lawrence, trying to gain some input prior to us
21 coming back out here and sitting down with the
22 agencies to discuss those, but we haven't -- We're
23 at the very beginning of that process, so.

24 MS. UNDERWOOD: Your agency or the
25 agencies that you've been in contact with are on

1 this list back here then?

2 MR. STEIMLE: Yes. Some --

3 MS. UNDERWOOD: Like you've got
4 Kentucky Department of Fish and Wildlife. Is
5 ORSANCO on here?

6 MR. STEIMLE: ORSANCO is where we
7 got all of our water quality data from. So, yes,
8 our water quality specialists have dealt directly
9 with them in getting all historical water quality
10 data.

11 MS. UNDERWOOD: Has there been -- I
12 know like ORSANCO does extensive fish surveys up
13 and down the Ohio River.

14 MR. STEIMLE: Yeah. There is a lot
15 of data available.

16 MS. UNDERWOOD: So are you in
17 communication with the ORSANCO biologists then, you
18 know, as far as?

19 MR. STEIMLE: Our primary -- The way
20 I understand it is, that our primary contact so far
21 is dealing with the Indiana Department of Fish and
22 Wildlife. Keith Lawrence is our fish biologist
23 working on this, and that's -- they have been his
24 main contact for the entrainment entrapment issues
25 and the effects of the projects thus far. And I

1 did receive an email from them earlier this week
2 and they were expecting to have someone here for
3 this meeting, but they're not here, so.

4 MS. UNDERWOOD: Yeah. Is there any
5 way that -- Is ORSANCO aware that this is going on?

6 MR. STEIMLE: They're definitely
7 aware. I mean we worked very closely with them to
8 get the historical water quality data. I mean they
9 basically are the entity that has all of that water
10 quality data. And it's based on their -- oh,
11 primarily their hydrologist and water quality staff
12 as to why we haven't proposed lengthy additional
13 baseline collection of water quality data, because
14 they had so much available in the vicinity of the
15 projects.

16 MS. ADAMS: I did notice ORSANCO was
17 not on the mailing list.

18 MR. STEIMLE: The original list?

19 MS. ADAMS: This mailing list that
20 was submitted in your pad --

21 MR. STEIMLE: Okay.

22 MS. ADAMS: -- unless, you know, it
23 was omitted in the copying it over to the scoping
24 document. Perhaps you could contact ORSANCO if you
25 have the appropriate person's request to be added

1 to the mailing list for these projects.

2 MR. STEIMLE: Okay.

3 MS. ADAMS: And then that would at
4 least ensure that for all documents and meetings,
5 announcements, and so forth that they would be
6 contacted in the future.

7 MR. STEIMLE: And I would like to
8 refer back to -- you know, I did, too, that as we
9 move, especially into the study plan portion of the
10 process, we make our own effort separate from FERC
11 to bring in stakeholders to discuss these study
12 plans. And it's in our best interest to get
13 everyone at the table, whether it's, you know, a
14 for person non-profit or, you know, ORSANCO and or,
15 right up to having eight staffers there from fish
16 and wildlife service, we want everyone there, and
17 we make every attempt to --

18 You know, we're required to have the
19 one meeting, which you saw outlined in the time
20 line, but on many of our projects during the study
21 plan portion, we have a half a dozen sit-down
22 meetings, because, again, it's not in our interest
23 to go and dispute resolution over these things,
24 because, again, it stalls the time line, so.

25 And, again, we have our own

1 terrestrial biologist, our own hydrologist water
2 quality specialists, fish biologists that, you
3 know, are there to work with each one of these
4 individuals, so.

5 MR. MURPHY: The particular agencies
6 don't have to be here today to participate.
7 Anybody can file comments multiple times during the
8 process.

9 MS. UNDERWOOD: Aha.

10 MR. MURPHY: And we accept all
11 comments.

12 MR. SHIPLEY: I've got one question
13 that you may not have had involved in some of the
14 other projects you've done, but have you -- what's
15 your kind of plan for when we have a flood event
16 and the power plant is, is flooded and overtopped?

17 MR. STEIMLE: That's an -- Our let
18 Spencer, our engineer, answer that.

19 MR. SHIPLEY: Oh, he's gonna talk
20 and tell us all about that, right?

21 MR. STEIMLE: Right.

22 MR. SHIPLEY: And about your clean
23 up and all that kind of stuff?

24 MR. STEIMLE: Well, I mean, as far
25 as clean up and those types of things, we're gonna

1 have to deal directly with EPA or state EPA --

2 MR. SHIPLEY: Oh, I know, you've
3 already put that into your plan and you're gonna
4 discuss that --

5 MR. STEIMLE: Yeah.

6 MR. SHIPLEY: -- how often you have
7 floods, because that's the biggest thing, people
8 don't realize how often this river gets out of
9 hand, and that, you know, that the power plant --
10 But you can discuss that as you go along. I mean
11 you've already prepared to talk about that a
12 little, right?

13 MR. STEIMLE: I mean I know that
14 it's been talked about, just informally with me,
15 and I'm not an engineer as far as elevation on the
16 powerhouse and the number -- you know, other
17 things, so I -- but I'll defer to Spencer, so.

18 MR. SHIPLEY: Okay.

19 MR. UMINSKI: Okay. Spencer
20 Uminski. Basically it's pretty simple, we just
21 took the highest historical flood elevation and
22 put the floor of the powerhouse a foot above that.

23 MR. SHIPLEY: Oh, you did, okay.

24 MR. UMINSKI: Yeah. And so that's
25 basically it. I mean once we get started they're

1 also be issues of storing oil and everything, we
2 would definitely want to keep that outside of the
3 foot of it, but that's the easiest answer.

4 MR. LAMKIN: That was 1937 flood?

5 MS. ADAMS: Could you repeat that,
6 we couldn't hear what you were saying?

7 MR. LAMKIN: 1937 flood that you're
8 using.

9 MR. UMINSKI: I'm check on that.

10 MR. MURPHY: Could I just ask for
11 you to back up the slide --

12 MR. STEIMLE: Sure.

13 MR. MURPHY: -- to the elevation
14 slide for the Newburgh project?

15 MR. STEIMLE: Sure. That's what
16 you're referring to there?

17 MR. MURPHY: Yeah, I just wanted to
18 ask you the period where we would be between the
19 two lower flows or two lower elevations that you
20 were discussing.

21 MR. STEIMLE: Yeah. Again, as I
22 referred to earlier, this is where it comes in with
23 our Aeration Monitoring Plan. We do have some
24 initial concerns about dissolve oxygen during that
25 period of time of all flows come into the

1 powerhouse.

2 As we know turbines reduce velocity
3 coming, coming through them, so -- Okay. Some of
4 our other projects you've addressed this by having
5 in-line air systems or as far as -- you know, the
6 biggest thing we've done is at the -- we have a
7 full aeration basin project, so.

8 MR. MURPHY: It's the lack of scope
9 on the stow way that causes the DO downstream to
10 not be as high as it might have been without the
11 project, which is why sometimes we ask for draft
12 two aeration or other after a separation after
13 project uses the water. So our velocity, is that
14 still over the dam?

15 MR. LAMKIN: We got a question to
16 answer.

17 MS. UNDERWOOD: Oh we were thinking
18 of a second question.

19 MR. MURPHY: I had a second
20 question, I've forgotten it. Does anybody else
21 have a question for this portion?

22 MR. LAMKIN: No. I'm gonna save
23 mine for later to see what Spencer gets into.

24 MR. STEIMLE: Okay.

25 MR. MURPHY: Did you bring the

1 criteria list for asking for studies?

2 MS. ADAMS: It's in Appendix B of
3 the scoping document, which is the very last page,
4 and I'm gonna review that when we get to studies.

5 MR. MURPHY: Okay.

6 MS. ADAMS: Okay. What we'd like to
7 do now is to go through the resource issues that
8 have been identified. These issues are in the
9 scoping document, by the way.

10 In reviewing the pad the Commission
11 identified resource areas for which there are
12 issues. And so I'd like to walk you through each
13 issue that we identified and allow you time to
14 comment, ask a question, or initiate a discussion.
15 If you feel like we've missed an issue, then by all
16 means, please let us know, because that's what this
17 scoping process is for.

18 Before we go through each individual
19 issue, I'll present a list of the resource areas
20 into which we categorized the issues.

21 I do want to interject two things.
22 First is a note about Project Boundaries. This
23 tends to come up with terrestrial issues more so
24 than any other issue. But whenever we're talking
25 about the project boundary, that would include

1 primary transmission lines.

2 And our engineer is not here, but
3 keep that -- keep that in mind if you're -- when
4 you're looking at the scoping document and
5 reviewing the issues that the primary transmission
6 lines are included within the project boundary. So
7 if there is a 14 mile transmission line and that
8 transmission line is a primary transmission line,
9 then the issue needs to be considered for the 14
10 miles of that transmission line.

11 The other note I would like to
12 inform you about, is Cumulatively Effected
13 Resources. And I'm gonna actually allow Sean to
14 quickly explain that to you and because that's his
15 area of expertise or because the cumulatively
16 effective resources are aquatics resources and a
17 water resources.

18 MR. MURPHY: Or they tend to mostly
19 be in those two areas. I'm not sure anybody is
20 actually an expert on "cumulatively effects," it's
21 one of the hard parts of the process to get
22 through.

23 We try to define our, our scopes of
24 cumulative effects based on where we could see the
25 project still having an effect on the river system

1 or whatever resource we're discussing. Typically
2 it's to the next pool or to where another river of
3 sufficient size comes in where the effects might be
4 mask and hard to pull out of the general
5 environment at that point.

6 So if you want to argue for a
7 different boundary for the cumulative effects, by
8 all means submit that with your comments. Just
9 remember, we'll ask you for information as to why.

10 And what did we pick out, water
11 quality. Probably not quantity because it's a
12 Corps project. And effects on, I'm sure the
13 fisheries and muscles will be discussed under
14 Cumulative Effects.

15 And the temporal scope, because this
16 is an original license, and the way FERC -- and the
17 CEQ has set up, base line, we're started with the
18 base line as the project is sitting there, not as
19 if the project doesn't exist. So cumulative --
20 base line is what's there right now.

21 MS. ADAMS: Okay. Thank you, Sean.

22 MS. UNDERWOOD: Excuse me. Does it
23 identify in here other than I writing it down which
24 should be these sources, you've got associated with
25 the cumulative effect?

1 MS. ADAMS: They have an asterisk
2 next to 'em. What page are you on, Sean, for where
3 the resources used are listed?

4 MR. MURPHY: The next section 4.2,
5 Resource Issues.

6 MS. ADAMS: Page 12.

7 MS. UNDERWOOD: Oh, okay.

8 MS. ADAMS: And the Cumulatively
9 Effected Resources are indicated with an asterisk.

10 MR. MURPHY: If one of the aquatic
11 resources is actually also a threatened and
12 endangered, the asterisk would migrate to there, as
13 well.

14 MS. UNDERWOOD: Okay. Thank you.
15 On here.

16 MR. MURPHY: When we're discussing
17 threatened and endangered species, those are the
18 federally listed species. State listed species get
19 listed under the section that they would be found
20 in aquatic or terrestrial and they're discussed as
21 species and concern, but they don't get the status
22 of the threatened and endangered species section.
23 So we will discuss them, just not there, which
24 confuses some people.

25 MS. ADAMS: Okay. I'm gonna provide

1 the list of resource areas into which we categorize
2 the issues. First, Geology and Soils, second,
3 Aquatic Resources, third, Water Resources.
4 Terrestrial Resources which includes, you know, the
5 wetland and littoral habitat. Rare, Threatened and
6 Endangered Species, Recreation, Land use and
7 Aesthetics, Cultural Resources and Developmental
8 Resources.

9 And I should note that there were no
10 socioeconomic resources that were identified by the
11 Commission, so that category is not represented
12 here. And what I've done is put one issue per
13 slide, so will be easy to focus on one and ask for
14 comments and questions. And these are the same
15 issues that are presented in the scoping document.

16 So for Geology and Soils, the
17 Commission recognized the need to look at the
18 effects of project construction, operation and
19 maintenance on each project, or of each project on
20 erosion and sedimentation.

21 Any questions, comments or
22 discussions?

23 MR. LAMKIN: This is Ken Lamkin.
24 One of the things that's been brought up at other
25 projects, might find in this category would be

1 effect of the operation on sediment transport. And
2 thereby its effects on maintenance and operation of
3 the navigation channel and approaches into the
4 locks.

5 MS. ADAMS: Okay.

6 MR. LAMKIN: Particularly I believed
7 it Newburgh lock and dam where there's this sand
8 island that is developed downstream, I mean that's
9 the obvious location that I am --

10 I don't believe that there is as
11 much of a concern at the J.T. Myers project, but I
12 think that would be something that would be of
13 concern, not only from our standpoint of only into
14 the approach channels, but also for the hydropower
15 facilities owning 'em and maintaining, oh, for tail
16 rights and also approaches to that. So I would
17 think that that should be studied probably early
18 on.

19 MS. ADAMS: Okay.

20 MR. SHIPLEY: Van Shipley. Don't
21 you think they're gonna have to dredge in front of
22 this sometimes?

23 MR. UMINSKI: This is Spencer. I
24 would think so.

25 MR. SHIPLEY: You don't think

1 they'll have to dredge in front of the --

2 MR. MURPHY: My guess -- personal
3 guess would be that because most of the flow would
4 be going through there, the velocities would stay
5 high enough that there wouldn't be a lot of
6 sedimentation there. The sedimentation we would
7 see would be over by the locks where the water
8 would not be going anymore.

9 MR. SHIPLEY: But it's there now.

10 MR. MURPHY: I'm not sure if it's --
11 if that would also qualify, because when the locks
12 aren't operating all the water is going over to the
13 spill way, so that would currently be a dead spot
14 or a slower spot where stuff could fall, fall out.
15 So I'm not sure it would be directly project
16 related or accelerated by the project, but I don't
17 think the project itself would have a problem.

18 MR. SHIPLEY: Would you think
19 sediment would sit in front of the turbine, in
20 front of the power plant?

21 MR. MURPHY: No, the velocity is
22 through there, it would be sufficient to keep that
23 --

24 MR. SHIPLEY: Velocity would be too
25 high, it would slow it up during the generation

1 that it would. Okay.

2 MR. MURPHY: In fact you probably
3 would, probably would see the channel get a little
4 bit scoured in that vicinity, in the tailrace area.
5 That's just my guess.

6 MR. UMINSKI: And your concern, Ken,
7 is that that would effect sedimentation on the
8 other side of the locks?

9 MR. LAMKIN: That's right and where
10 -- if material is now being deposited in a
11 different location, because flow is going through
12 the powerhouse on a more regular basis, then once
13 the river comes up and you go out of operation,
14 where does that material get moved to as opposed to
15 currently when we keep -- see you're -- if you're
16 gonna handle it, just to pick a number, 50,000 CFS
17 through the powerhouse, we would normally have that
18 spread over, you know, four or five gates 500 feet
19 width as opposed to maybe what you've got, you
20 know, further location, so.

21 Now, you're typically, I would
22 think, transporting less sediment during low-flow
23 periods, it's just how it gets moved around by the
24 operation of the facility, you know, concentrating
25 that flow and what happens, okay, it's moved to a

1 different location and --

2 MR. MURPHY: The area that would see
3 the biggest change would be the slow waged gates area,
4 because they're in a low-flow periods where they
5 were spilling water most of the time, now they
6 won't be spilling water.

7 MR. LAMKIN: Um-hum, right.

8 MR. MURPHY: So that would be the
9 largest new slow spot.

10 MR. LAMKIN: Right. And so now when
11 the river comes up and picks up that material,
12 where does it go, is it gonna create an Edey.
13 'Cause we do have sometimes debris problems below
14 those locks, so -- because it creates an Edey back
15 there.

16 MS. ADAMS: Any other issues related
17 to soils and geology. Aquatic Resources. The
18 effects of continued project operation, and any
19 changes in project operation or facilities on
20 downstream aquatic biota including fish and
21 macroinvertebrates, and the aquatic biota of the
22 impoundment.

23 These are broad issues, and it's not
24 an exhaustive list, which that's why we're here, to
25 see if we've missed any issues. This is just a

1 preliminary list of issues, so don't hesitate to
2 comment.

3 MS. UNDERWOOD: Might that include
4 like the impacts of habitat upstream of the
5 project, too? You know, like you said, if you've
6 got all of this water flowing through this --
7 flowing through this -- this little project,
8 couldn't it cause like erosion on one side of the
9 bank or something like that, might it have
10 something like that?

11 MR. LAMKIN: I would think probably
12 not, just because of the large pool that we're
13 drawing water from. As far as how -- Yeah, I would
14 think that probably it wouldn't be that big of a --
15 as far as -- the concern would be erosion.

16 MS. UNDERWOOD: Well, my concern
17 would be like fish spawning areas and --

18 MR. LAMKIN: Yeah, I don't think
19 it'll have too much of an effect.

20 MR. SHIPLEY: Yeah, I don't think --
21 One thing that I would bring up, for the State of
22 Kentucky and Indiana, Kentucky only has one power
23 plant down there, so you need to maybe have a
24 discussion that fish do make it through the
25 turbines. Now they don't make it back up through

1 'em, but they make it through the turbines. So
2 just to clarify, Indiana, I don't think there's any
3 power plant, any hydropower plant in Indiana that I
4 can think of, so they may have a question. So you
5 probably do need to have a topic that you do
6 discuss moving the fish through the turbines
7 through the power plant, 'cause they won't --
8 they're not gone believe you, and they'll think
9 that fish are gonna get chopped up. Now we know
10 they don't move the other way, but they do move
11 through free and easy, why, I don't know, but they
12 do.

13 MR. MURPHY: Yeah, the locks are
14 actually all right for moving fish back up at -- in
15 some cases.

16 MR. SHIPLEY: Yeah, but -- We've
17 done study on how many fish go into the lock and
18 lock back up with the barges, and it's kind of
19 questionable, nobody really feels like they've got
20 a good handle on how many fish can move back up
21 across the locks, that's the big problem with the
22 muzzles. It's been too long since I said, colittia
23 but, you know, stuck in the gills, do they -- can
24 we really populate, because, I mean, I -- to be
25 quite honest, the mussel population we've really

1 affected, the Corps has, with our high lift dams.
2 I mean you go downstream from starting Myers, they
3 get better, but upstream we've, we've desiccated
4 most mussel beds because of our pools. But
5 downstream, yes, that's been. The states are very
6 sensitive about moving fish back up.

7 Now, they've done study on how many
8 fish move up through the locks, and now maybe you
9 can find out from Kentucky and Indiana, and look at
10 that, but they've, they've been concerned, they
11 really feel like that many fish move back up.

12 MR. MURPHY: I just know from what
13 I've seen on costal rivers, things like the herring
14 taking over the Mohawk River up in New York.

15 MR. SHIPLEY: I'm wondering if
16 they're smarter than bass. You're right, they do
17 -- and trout seems to move, too, but it seems like
18 cat fish, you know, you're slow moving large stream
19 fish don't seem to want to go back up, they're just
20 headed one way, and they don't seem to want to go
21 back up. I don't know why. I thought, you know,
22 someone is gonna explain this to me some day.

23 MS. UNDERWOOD: Well, I think that's
24 why we need some fisheries people here, like some
25 ORSANCO, because I'm not convinced that they don't

1 -- I don't know why they're moving, I just see
2 these fish is slowly migrating up and down the
3 Ohio, and I don't see that they come to a lock or
4 any kind of obstruction that may impede their
5 progress upstream. But under natural circumstances
6 they might just may move freely, you know, back and
7 forth through the --

8 MR. SHIPLEY: Yeah, the locks and
9 dams definitely effects 'em, yes.

10 MS. UNDERWOOD: Yeah. So --

11 MR. SHIPLEY: And that's why they
12 did the study on how many will lock back up with
13 the barges.

14 MS. UNDERWOOD: And actually I think
15 I overheard about this one project where somebody
16 actually had to build something to -- like a
17 little, little route where the fish could flow --

18 MR. LAMKIN: Fish slab.

19 MS. UNDERWOOD: Yeah, like where the
20 fish could go back up stream again. May not have
21 been -- it was like a fish shoot or something, a
22 little breeze way or something.

23 MS. ADAMS: Fish ladder?

24 MS. UNDERWOOD: Yeah.

25 MR. SHIPLEY: Yeah, it definitely

1 effects the pool up above, because most of your
2 fish in the Ohio River are not gonna go up a
3 ladder.

4 MS. UNDERWOOD: But -- you would it
5 would be like -- I mean, I'm not talking about a
6 ladder, I'm talking like a little channel --

7 MR. SHIPLEY: Just a canal around
8 it, yeah.

9 MS. UNDERWOOD: Yeah, a little canal
10 thing.

11 MR. SHIPLEY: But then the head on
12 that and everything else is very difficult.

13 MS. UNDERWOOD: Yeah.

14 MR. SHIPLEY: Most fish won't go
15 back up through that tunnel.

16 MS. UNDERWOOD: But if that lock --
17 if that weren't there, they would, they would move
18 freely, you know, up and down.

19 MS. ADAMS: Well there are two other
20 bullets identified or issues identified in Aquatic
21 Resources. And if these other two don't cover what
22 you're talking about, then perhaps we should, you
23 know, maybe work on phrasing of an additional one.
24 The effects of project construction and operation
25 on aquatic habitat downstream. And you're

1 interested in something along a statement like
2 this, but for upstream?

3 MS. UNDERWOOD: Yes.

4 MS. ADAMS: Okay.

5 MR. MURPHY: Just to include in
6 the --

7 MS. ADAMS: Excuse me.

8 MR. MURPHY: Just put and in the
9 impoundment a reservoir.

10 MS. ADAMS: Okay. All right.

11 MR. MURPHY: I guess it should be an
12 impoundment --

13 MS. ADAMS: So in the impoundment,
14 right. And that might actually be -- In the
15 scoping document it says "and the aquatic biota of
16 the impoundment." Does that cover it then, the
17 phrasing that's actually in the scoping document?

18 MS. UNDERWOOD: Well, no, because
19 you're specifying "habitat."

20 MS. ADAMS: Okay.

21 MS. UNDERWOOD: I would say you've
22 got to specify habitat.

23 MS. ADAMS: Okay. All right. And
24 aquatic biota and habitat.

25 MR. MURPHY: This one is right, this

1 one you have to include the reservoir --
2 impoundment.

3 MS. ADAMS: And impoundment. I see.
4 Okay. The third one, effects of project operation
5 on fish populations caused by entrainment and
6 turbine and induced mortality. That suitable?

7 MR. SHIPLEY: Yeah.

8 MS. ADAMS: Okay. Any other
9 comments or questions? Okay. Very good comments
10 so far. Water Resources. "Effects of project
11 construction and operation on dissolved oxygen in
12 the reservoir and in the Ohio River downstream of
13 the dam."

14 MR. SHIPLEY: Well during the summer
15 time there is a problem upstream of the locks,
16 because we're just moving water through the locks,
17 because if it gets dry they try to preserve as much
18 water as they can in the pools. So they will get
19 somewhat depleted of oxygen. The only wave action
20 will bring oxygen back into the water. So I don't
21 know if the dams are gonna -- The thing about it, I
22 don't know if these hydro plants are gonna make a
23 bigger problem than what's already there. I mean
24 it's not fair to make them take care of something
25 that's already there anyway.

1 MS. UNDERWOOD: Well, they wouldn't
2 be able to on a scale that it not there anyway.

3 MR. SHIPLEY: It's not.

4 MS. UNDERWOOD: Yeah, but it does
5 get down. But I think that's the thing if -- If
6 it's down at, let's say like 4 milligrams per liter
7 above the project, it shouldn't get any lower.

8 MR. SHIPLEY: No, no.

9 MS. UNDERWOOD: It may not get any
10 higher, but it shouldn't get any lower, because of
11 project operation. And I think that's what you --
12 they're just looking at the effects, you know, of
13 the project.

14 MR. SHIPLEY: Of their project.

15 MS. UNDERWOOD: Of their project
16 undissolved oxygen in the reservoir.

17 MR. MURPHY: You might be talking
18 about flows that so low that they're not capable of
19 operating.

20 MR. SHIPLEY: Yeah. So, see, that's
21 what I'm saying is -- their not -- shouldn't be
22 involved in even -- that should be made clear that
23 that's not part of the effects of the project,
24 that's something that's already existing.

25 MR. MURPHY: But we would have -- we

1 may have them monitor upstream so that we know
2 what's going on.

3 MR. SHIPLEY: On.

4 MS. UNDERWOOD: See, and that may
5 be --

6 MR. MURPHY: Because then if you
7 characterize what the project does.

8 MR. SHIPLEY: Does.

9 MS. UNDERWOOD: Right.

10 MR. SHIPLEY: That's true.

11 MR. MURPHY: Downstream.

12 MS. UNDERWOOD: And that these we do
13 monitor upstream, and that's, you know, probably
14 something that'll come to discussion, you know,
15 later on --

16 MR. MURPHY: Yeah.

17 MS. UNDERWOOD: But we do monitor.

18 MR. MURPHY: I'm sure they would
19 appreciate, you know, doing things in conjunction
20 with current --

21 MS. UNDERWOOD: You know, I was even
22 thinking of like maybe for some QA QC purposes,
23 too, you know, but --

24 MR. MURPHY: Take advantage of
25 already ongoing.

1 MR. STEIMLE: We -- and I tell you
2 that I'm all of our licenses right now, we're
3 required to do monitoring in perpetuity through a
4 license upstream and down hill.

5 MS. UNDERWOOD: And down.

6 MR. STEIMLE: You know basically at
7 our point outline from our project and then you
8 know a certain distance that they're downstream.

9 MR. SHIPLEY: And that's not how ---

10 MS. UNDERWOOD: Yeah. And see we
11 monitor -- See that's what I was -- not only for
12 benefits for you, but could benefit us, too, it
13 would be like mutual QA QC if we operate ours, but
14 DCP upstream at Newburgh and at Myers. So that
15 would give-- that would assist you all as much as
16 it would us, you know, in our data.

17 MR. STEIMLE: That's all right.

18 MS. ADAMS: Any other questions or
19 comments? Okay. Then move on to Terrestrial
20 Resources.

21 MR. MURPHY: Turbidity I think would
22 also end up in this section.

23 MS. ADAMS: Well let me go back.

24 MR. MURPHY: We would be including
25 that in both sections, the geology and water

1 resources. In which case you would want to
2 determine turbidity upstream and then downstream
3 and make sure they do not.

4 MR. STEIMLE: Why we're on it, I had
5 one question to -- I think I brought this to the
6 last one at Louisville that our aquatic ecologist
7 asked if we might be able to get access to some of
8 that Corps water quality data.

9 MS. UNDERWOOD: Oh, yeah.

10 MR. STEIMLE: Because, I mean when
11 she talked with ORSANCO, ORSANCO wasn't sure that
12 they had all of the data from the Corps, and so that
13 there might be a separate data set from what they
14 had.

15 MS. UNDERWOOD: There are -- Yeah,
16 have her contact me.

17 MR. STEIMLE: Okay.

18 MS. UNDERWOOD: And I can find out
19 what she's got and we've got, because they do not
20 -- data. Somewhere data automatically goes up to
21 Cincinnati and it gets data set.

22 MR. STEIMLE: Okay.

23 MS. UNDERWOOD: And then that's
24 blended in with everybody's data from the Ohio
25 River, and then our data specifically comes to us,

1 too, in our swim system.

2 MR. STEIMLE: Okay.

3 MR. MURPHY: Have you figured out
4 how the project is gonna operate in concert with
5 the lock? When I was working on the Corps project
6 in Minnesota and Mississippi you had to be prepared
7 to shut off to allow the Corps to have the ability
8 to have them close to operate the lock.

9 MR. UMINSKI: You know on some of
10 our site visits, that was the biggest concern, and
11 we discussed between the automated system and
12 manually, and they favor the Corps, favored at
13 least to operators favored the manual or they have
14 control over the, override and stuff. So I would
15 be interested in exploring that as well, because if
16 the shut, if the power does go into overload or has
17 stopped during emergency shutdown, then that water
18 transfer would have to go through the gates.

19 MR. LAMKIN: Right.

20 MS. ADAMS: So it would be
21 correlation on that.

22 MR. LAMKIN: Yeah, we --
23 particularly you're in low flow it can be a
24 problematic issue, because if, for example, all
25 flow is going to the powerhouse, the operators are

1 required, for safety reasons, to stop and manually
2 and visually inspect to make sure there are no
3 fisherman immediately downstream in the gates
4 before they open up a gate to maintain flow, which,
5 because of personnel reasons can take several
6 minutes, you know, for them to finish, you know,
7 what they're doing if they're locking a boat
8 through to be able to break away from that to go
9 make a gate operation.

10 We've explored a lot of things as
11 far as automated gates and video cameras and that
12 kind of thing, but it's for safety purposes, they
13 still insist upon a person visually going up and
14 looking, just because cameras can't catch
15 everything.

16 MR. MURPHY: Well this is the only
17 water quantity issue I can think of is that they're
18 at your or the Corps' beck and call --

19 MR. LAMKIN: Right.

20 MR. MURPHY: -- as to when the flow
21 is needed --

22 MR. LAMKIN: Right.

23 MR. MURPHY: -- for navigational
24 purposes, because that's the primary purpose of the
25 dam as far as I understand.

1 MR. LAMKIN: And it's -- it means
2 you're talking about surges and shut off concerns,
3 that is something that we did model and physical
4 models, which I was gonna bring up later, but I
5 don't know. I guess that would fall as far as what
6 -- I think the physical model is gonna be required
7 in order to determine the effects and navigation as
8 far as change in flows. But that's one of the
9 things that we did model was surges. And we
10 particularly for tows, locking up-bound or
11 down-bound, but below the dam, noted a significant
12 change in water-surface elevation that can be
13 problematic for the tows, basically settle, this
14 wave sets up. And so at the couple other projects
15 warrior talking about like an emergency
16 notification system, basically just lights and
17 sirens to go off in the event of a overload or load
18 rejections, is what I was trying to think of, that
19 would notify tow-boat operators that, hey,
20 something is going on, we need to either make
21 preparations of some sort, whether it's to abort
22 the approach, if they can still do that or some
23 cases if they're within the approach walls, they
24 can throw some more cables on just to tie things
25 down, but that is a concern that we want to address

1 during the physical model. 'Cause we do want to
2 make sure, not specifically on a physical model,
3 that navigation conditions aren't adversely
4 effected.

5 MR. SHIPLEY: Now the tow operators
6 relying on us to make sure things are done, or
7 shouldn't they be -- they're on the mailing list,
8 right?

9 MR. LAMKIN: Well, I don't know that
10 they're on the mailing list. I passed the word
11 along as far as this meeting, it was available, but
12 I think that they probably would be good to have
13 'em on the mailing list.

14 MS. ADAMS: There are directions in
15 the scoping document for how people can have
16 themselves to the mailing list. And if they have
17 any problems, you can email me and I'll be glad to
18 help 'em.

19 MR. MURPHY: And we brought plenty
20 of scoping documents, you can distribute them to
21 anybody that might want one.

22 MR. LAMKIN: Okay. Let's do that.
23 I'll take some.

24 MR. MURPHY: The more you take, the
25 fewer we have recycle.

1 MR. LAMKIN: Okay. And I guess we
2 talk about that here. It's with regard to water
3 resources. I know ya'll have conceptually laid out
4 where the powerhouse is -- or intend for them to be
5 laid out, but that's based upon probably not a
6 whole lot of geological investigation. And also
7 there are -- would be concerns with regard to the
8 navigation, you know. Maybe the powerhouse needs
9 to be located, you know, somewhere else for
10 whatever reason it might be, whether it's geology
11 or flows or whatever. So that -- We've learned
12 that has -- plays an impact on everything else. If
13 for some reason that -- determine that it needs to
14 be pushed to the Kentucky bank, then that's
15 obviously gonna have an impact on the terrestrial
16 resources, as well as the species and that kind of
17 thing, so. I think it is important to go ahead and
18 get those kind of questions, if not completely
19 answered then, you know, work down that road before
20 we get too far because of all the related impacts
21 on that, so.

22 MR. UMINSKI: Yeah, that's -- from
23 a preliminary level, the reason we chose the
24 location was when we visited the operators, most of
25 'em said that during high flow they passed the

1 traffic over the years, and so we thought it would
2 better to snug 'em up against the structure instead
3 of trying to pass the large barge between them.
4 That was the biggest factor in deciding where that
5 goes.

6 MR. LAMKIN: Right.

7 MR. UMINSKI: But you're right, as
8 we go through these studies, especially on a
9 geological site, and see what kind of soils are
10 actually down there, the last thing we want to do
11 is compromise the lock and dam structure itself.

12 MR. LAMKIN: Um-hum, right. But
13 then also for your own purposes, as far as
14 powerhouse, but, yes, we also need to maintain the
15 integrity of the dam.

16 This is Ken Lamkin again. Oh, on
17 particularly the J.T. Myers' project that I
18 mentioned to you, that there was talk also -- we're
19 in the process of doing or planning and developing
20 plans and specifications for extension of the
21 smaller lock at the facility. And as part of the
22 mitigation associated with that project, we were
23 initially planning on passing additional flows down
24 that back channel of the Walbush Island.

25 MR. UMINSKI: Um-hum.

1 MR. LAMKIN: So that's something
2 that you would also need to be aware of, and also
3 take a look at the effects that you might have
4 wherever the powerhouse goes. So that was -- that
5 channel is dry a good portion of the year, I think,
6 except during high flows.

7 MR. STEIMLE: I know that last time
8 we met we requested a copy, I think it was that EA
9 that was done or a document the Corps completed
10 that had described what those might be. In the
11 mitigation we didn't receive a copy of that. So we
12 would definitely -- we really like to get a copy of
13 that.

14 MR. MURPHY: Is there anything else
15 besides the water quality and quantity issues that
16 we've discussed for aquatic resources, water
17 resources?

18 MR. LAMKIN: Can't think of
19 anything.

20 MS. ADAMS: Okay. If not, we'll
21 move onto Terrestrial Resources. There's a mistake
22 on the slide, but we're gonna talk about the
23 effects of construction, operation and maintenance
24 of each project, including transmission lines, on
25 wetland, riparian, littoral and terrestrial

1 habitats and associated wildlife within those
2 habitats as they occur within the project boundary.
3 That's pretty broad. Did it miss anything?

4 MR. SHIPLEY: No.

5 MS. ADAMS: Often times we rely on
6 comments from the state agencies and the fish and
7 wildlife service, particularly the service because
8 they'll have data concerning specific locations for
9 the -- for threatened endangered species and rare
10 species, as well.

11 Okay. Secondly, the effects of
12 construction, operation and maintenance of each
13 project, including transmission lines, on evasive
14 plants occurring within the project boundaries.

15 MR. MURPHY: And that's aquatic and
16 terrestrial.

17 MR. LAMKIN: The only thing that's
18 -- as far as a comment would be we'll have to go
19 through the normal Department of the Army permit
20 process through Section 404 and Section 10 and with
21 regard to these.

22 MS. ADAMS: Okay. I don't recall
23 from the pad, but did you all have an evasive plant
24 management plan?

25 MR. STEIMLE: I believe that that

1 was posed as the reason for part of the
2 vegetation --

3 MS. ADAMS: Okay. To identify
4 what's there.

5 MR. STEIMLE: -- intend to use that
6 study to design a plan for construction operation
7 in cooperation again with the Corps man.

8 MS. ADAMS: Okay.

9 MR. STEIMLE: I'm sure the Corps has
10 some kind of evasive species.

11 MR. SHIPLEY: What do you mean your
12 "evasive species," I'm trying? You mean for under
13 the power line or for?

14 MR. STEIMLE: Well, just -- well,
15 first, also we can insure that the project itself,
16 especially project construction, staging or
17 anything we might do. I know that there's been
18 some talk in this case we might use barges, but you
19 know, might pass, you know, what does any type of
20 spoiled areas or else if there was a conduit
21 basically.

22 MS. ADAMS: Yeah, in this category
23 we tend to be concerned about the evasive plants.
24 I don't know if any evasive plants occur in that
25 particular area. I'm not real familiar with that

1 particular area. And other areas it could be giant
2 green grass, you know--

3 MR. SHIPLEY: All that is there.

4 MS. ADAMS: Okay.

5 MR. SHIPLEY: That's why -- All that
6 is there is gonna show up. So you're saying you're
7 gonna try to manage and with a plan to eliminate
8 those in your construction areas or not really?

9 MR. STEIMLE: Well, I can give you
10 from experience working with the Corps on the
11 projects on the west coast, they don't want us to
12 exacerbate the situation.

13 MR. SHIPLEY: Right.

14 MR. STEIMLE: Because they have
15 something going on and they want to make sure that
16 we're complying with their plan and we're not
17 making the situation worse.

18 MR. SHIPLEY: Well, I'm not sure if
19 there's a plan going on down there.

20 MR. STEIMLE: Okay.

21 MR. SHIPLEY: If the project office
22 has any -- if that -- cause that -- mainly it would
23 be you would be dealing with the wildlife area.

24 MR. STEIMLE: Okay.

25 MR. SHIPLEY: Now, what kind of

1 vegetation was you gonna to maintain under your
2 power line?

3 MR. STEIMLE: Well, the majority of
4 our power line, with the exception of this area
5 right here, is along private property. I'm talking
6 there's actually active cultivation up here.

7 MR. SHIPLEY: But so you would
8 still, still allow the grow crops be planted and
9 things like that?

10 MR. STEIMLE: Yeah.

11 MR. SHIPLEY: Okay. That would be
12 the one thing that would come up.

13 MR. STEIMLE: Okay.

14 MR. SHIPLEY: What was you gonna --
15 because there's always a problem with what is going
16 -- what vegetation is going to be allowed under
17 the, under the power lines, under the transmission
18 lines.

19 MR. STEIMLE: And every other
20 project I've been involved in, we didn't -- since
21 we don't own or operate those -- well, that would
22 never be the owner operator of those lines, we pay
23 the utility or whoever owns those lines to upgrade,
24 we have to take responsibility for that. So
25 whatever -- you know, they obviously have something

1 that they're working with as far as their right of
2 way or some kind of easement and whatnot that we
3 don't usually try to --

4 MR. SHIPLEY: You're just gonna go
5 along with the company that's in the area now that
6 the power line, the transmission line you're
7 hooking to? Okay.

8 MR. STEIMLE: Now, in the case, in
9 the case -- I've been on this site a couple times.
10 In the case of J.T. Myers, you know, we could
11 upgrade one section, and then I believe we would
12 putting in a new section along a portion that
13 upgrades the whole way.

14 MR. SHIPLEY: I don't think there's
15 a transmission line there now, no.

16 MR. STEIMLE: But from here,
17 definitely along this highway, into the substation
18 on the west side of --

19 MR. SHIPLEY: Mt. Vernon.

20 MR. STEIMLE: That would be on an
21 additional line that would be an upgrade.

22 MR. SHIPLEY: That would -- Yeah,
23 okay, that would be an upgrade, right.

24 MR. STEIMLE: Yeah.

25 MR. SHIPLEY: But this line here

1 does not exist in any way.

2 MR. UMINSKI: There was a
3 transmission line that we followed that goes along
4 there.

5 MR. SHIPLEY: Along here, yeah, but
6 not, not here, not from this point down to your
7 power plant.

8 MR. UMINSKI: Not all the way,
9 that's true, but most of that section --

10 MR. STEIMLE: Well, I think a lot of
11 it is single phased, I mean we're gonna have some
12 upgrade. But, yeah, so to answer your question is
13 yeah. But again, I would assume that -- Well, I
14 guess I don't know the answer to that question. I
15 would assume that we would be taking a pay utility
16 to deal with that.

17 MR. SHIPLEY: To deal with it, okay.

18 MR. STEIMLE: Yeah.

19 MR. SHIPLEY: Because there's a lot
20 of wetlands in here and this is a real low area.
21 Then when you get up in here, then you get to have
22 cultural fields and you would still allow to have
23 cultural fields to go on underneath the power
24 transmission lines.

25 MR. STEIMLE: Yes. And in the case

1 at Newburgh, I do believe it's an upgrade the whole
2 way, or almost the whole way.

3 MR. SHIPLEY: Yeah. I'm trying -- I
4 can't remember -- can't picture Newburgh in my head
5 right now, so I'm not sure about that.

6 MS. ADAMS: Other comments or
7 questions? If you have additional comments that
8 you think of later, you know, you can file those.

9 MR. SHIPLEY: So also assuming that
10 you put sight indicators on the power, but you're
11 leaving that up to the company to what company you
12 hook into that they'll put sight, you know, those
13 great big yellow balls?

14 MR. STEIMLE: Are you talking about
15 protection?

16 MR. SHIPLEY: Yeah, aha.

17 MR. STEIMLE: Yeah, I mean, we'll --
18 everything that we propose will be APLIC and then
19 we'll comply with all the latest standards. I
20 think it was 2007 is the most recent standards?

21 MR. SHIPLEY: Yeah, well, I'm not
22 sure about that. But, I mean you remember seeing
23 this is a large wildlife area, wildlife area.

24 MR. STEIMLE: In our past projects
25 we've worked with, you know, we buried some

1 sections that have been specific, you know,
2 important fly ways. You know, we've done quite a
3 bit to make sure it happen.

4 The one tricky point I will add is
5 that, there can instances since we don't actually
6 own or operate those lines and upgrades where we
7 have run into a confrontation with utilities
8 saying, well, that's great, you want that, you all
9 pay for it, but we don't, we don't want to set a
10 precedent.

11 MR. SHIPLEY: Okay.

12 MR. STEIMLE: So that's the only --
13 that is an issue that has come up, so.

14 MS. ADAMS: Other comments or
15 questions?

16 MR. LAMKIN: Just to clarify that.
17 In the area of the water foul area, was that
18 associated with Newburgh or?

19 MR. SHIPLEY: Oh, no, this is Myers.

20 MR. LAMKIN: J.T. Myers.

21 MR. SHIPLEY: Yeah, the hubby, hubby
22 lake wildlife area. Yeah. But, see, I'm trying to
23 think in my -- I just can't picture Newburgh in my
24 head right now what wildlife areas, 'cause I can't
25 believe there's not land that we gave for

1 mitigation. At that, too, I just can't get
2 Newburgh in my head right now to remember what it
3 look like. But you still may run into those type
4 of situations.

5 And there is also another large
6 wildlife area on the other side of the river that
7 Kentucky operates. Indiana has this of course, and
8 Kentucky has this.

9 MS. ADAMS: Okay. I'm gonna move
10 onto Rare, Threatened and Endangered Species.
11 There is just one issue identified, it's broad and
12 general. "The effects of the construction,
13 operation and maintenance of each project,
14 including transmission lines, on federally
15 threatened and endangered species, bot terrestrial
16 and aquatic, potentially occurring within the
17 project boundaries and the geographic scope of the
18 analysis." So that caveat was put in there to
19 handle or to take into account RTE, mussel species
20 that may be occurring farther downstream or other
21 issues along those lines.

22 MR. MURPHY: The only thing I would
23 note is that bald eagle was delisted, but we
24 still --

25 MR. SHIPLEY: It's a national bird.

1 MR. MURPHY: -- look into -- There's
2 still other laws that we make sure that the bird is
3 not disturbed under the definition of disturbance.

4 MR. SHIPLEY: Yeah. They're a -- no
5 matter what.

6 MS. ADAMS: And the eagles are the
7 exception to the -- We did actually discuss those
8 in the RTE section. Even though they're no longer
9 listed, they're covered by the federal laws and
10 it's the exception to the rule of only discussing
11 RTE species in the RTE section.

12 MR. SHIPLEY: Yeah. And it's just
13 noted that water falla areas draw eagles, so they
14 show up, yes.

15 MS. ADAMS: So no questions or
16 comments?

17 MR. SHIPLEY: I can't think of an
18 endangered, except for the bats.

19 MR. MURPHY: Indiana bats.

20 MR. SHIPLEY: Indiana bat and gray
21 bat.

22 MR. MURPHY: We're actually in the
23 state.

24 MS. ADAMS: We're in bigger bat
25 country compared --

1 MR. MURPHY: You're definitely into
2 Indiana bat country for sure. Gray bats, I'm not
3 sure that I've ever ran across one down there,
4 'cause I don't know if there's a cave or some
5 structure that they could stay in over night that
6 they be there. But, you know, Indiana bats just --
7 they just stay in a tree all night, so they're
8 everywhere. So not that this is going to really
9 effect them one way or the other. They're just
10 states, and probably fish and wildlife service is
11 gonna be sensitive on construction schedule --

12 MS. ADAMS: Yeah, and you know --

13 MR. SHIPLEY: -- and removal of
14 trees.

15 MS. ADAMS: If the transmission
16 lines, if any transmission lines have to be built
17 and it results in the removal of the trees, and
18 that's the one thing that I would be asking for
19 comments from the state agencies about, would it
20 impact summer range for the Indiana bat or the gray
21 bat. Might be an occasional evening bat in this
22 part of the state.

23 MR. SHIPLEY: I've never run across
24 it.

25 MS. ADAMS: Okay.

1 MR. SHIPLEY: There was a concern,
2 but things are -- things change all the time.

3 MS. ADAMS: Right.

4 MR. SHIPLEY: So you would have to
5 still consider that, maybe. The thing about is
6 that both Indiana and Kentucky may want you to
7 plant trees somewhere because the biggest effect on
8 the Indiana bat is just the removal of trees within
9 the riparian area. They're very reliant on 'em.
10 So lots of times they like to see you put -- if you
11 take trees away, they like to see you put 'em place
12 someplace.

13 MS. ADAMS: And, again, we'll -- we
14 rely a lot on the fish and wildlife service and
15 state agencies for comment. So about potentially
16 occurring RTE species. It would have been nice if
17 they could have made it today.

18 MR. SHIPLEY: Yeah.

19 MS. ADAMS: Any other questions or
20 comments?

21 MR. SHIPLEY: I don't know if they
22 would want some downstream study for the muzzles or
23 not. I don't think -- I can't think of a mussel
24 that identified downstream, very close to either
25 one of these projects, but my memory is not too

1 good.

2 MR. LAMKIN: Mike Turner.

3 MR. STEIMLE: We've done other
4 projects.

5 MS. ADAMS: Yeah.

6 MR. LAMKIN: J.T. Myers.

7 MR. STEIMLE: J.T. Myers. I think
8 it is J.T. Myers. There are some that we know of
9 that have been identified downstream but not at
10 Newburgh.

11 MR. LAMKIN: I think there in the --
12 for the Walbush.

13 MR. SHIPLEY: Right, but those --
14 that was -- those aren't really normally associated
15 with a bed. I'm trying to think of what muzzles.
16 Gosh, my memory is going really bad. But I don't
17 think -- I think you need to -- I think you need to
18 identify if there is a mussel bed downstream, but
19 we'd love to have somebody look at it without the
20 Corps coming up with the money to find it. But I
21 think you, in both projects, even if Newburgh
22 doesn't, we've never identified a mussel bed. I
23 think maybe, you know, that should be part of it.
24 At least you ought to look and see if there is a
25 bed.

1 MS. ADAMS: Recreation. "The
2 effects of project construction, operation and
3 maintenance on existing recreational resources in
4 the projects' areas."

5 MR. SHIPLEY: Downstream -- are you
6 gonna provide any ability for people to come and
7 fish?

8 MR. STEIMLE: We have not
9 proposed --

10 MR. SHIPLEY: They're gonna be
11 there. I just, you know --

12 MR. STEIMLE: Yeah. We haven't
13 proposed anything. You know, our first, our first
14 take on this was just sort of going out and touring
15 the facilities. And in the immediate vicinity of
16 those facilities, just from what I've seen -- I see
17 a lot of fisherman in the tailrace, the a boat. I
18 see some accessing from the Kentucky side, although
19 it's albeit illegal, but there's a lot out on the
20 weir, you know, fishing, and but my understanding
21 from when we talk with the operators, is they
22 really close most public access across any of the
23 facilities in the weir at all and complete
24 discourages since 911. So --

25 MR. SHIPLEY: Yeah, that's sad.

1 MR. STEIMLE: I'm -- No, we -- we
2 did see fairly close by boat ramp access at
3 Newburgh.

4 MR. SHIPLEY: Um-hum.

5 MR. STEIMLE: So that's kind of why
6 we proposed a recreation enhancement plan of some
7 type at J.T. Myers. But it kind -- You know where
8 we -- Obviously there's no methods for these
9 studies here. We have described methods, and we'll
10 get to that in the study plan portion. You know as
11 to whether or not we would look to purchase private
12 property for some kind of easement for a boat ramp
13 at Uniontown or we would propose some kind of -- I
14 don't know. I mean we're just not -- You know,
15 we're open to --

16 MR. SHIPLEY: What is the downstream
17 of these -- I mean what does it look like, the race
18 downstream, is there a way that you can put a
19 walkway that people could fish the downstream of
20 these plants, of these power?

21 MR. STEIMLE: Doesn't appear --
22 because -- well, okay, so, maybe, you know, someone
23 -- This is how I can see it though and based how
24 the operators explained it is that the best act and
25 the best fishing is right in the tailrace, and so

1 they get as close as they can along the weir,
2 because especially when the flows are lower, that
3 tailrace section that's great is pretty shorten.
4 So if you were gonna put something downstream, I
5 imagine it wouldn't be that good for fishing decent
6 portion of the year. Am I right in assuming that?
7 I mean because they're there with their boats.

8 MR. SHIPLEY: Yeah, right up next
9 to --

10 MR. STEIMLE: I mean they're right
11 on the tailwater there.

12 MR. SHIPLEY: I mean I don't know --
13 you're gonna have to address it.

14 MR. STEIMLE: Yeah.

15 MR. SHIPLEY: That either they're
16 going to be certain limits of how close they can
17 get.

18 MR. STEIMLE: Yeah.

19 MR. SHIPLEY: Or access to the, to
20 the downstream area. You're just gonna have to,
21 you know, get in there and try to explain it real
22 well, because fishermen are, you know, semi-crazy
23 and they're gonna want to go where the fish are.

24 MR. STEIMLE: Sure.

25 MR. SHIPLEY: And you're gonna have

1 to kind of address what's gonna happen downstream
2 with these.

3 MR. STEIMLE: Sure. And we -- You
4 know, we've initially thought about some kind of --
5 something along the powerhouse, but that's
6 something that we'll have to work out with the
7 Corps as --

8 MR. SHIPLEY: Right.

9 MR. STEIMLE: -- access along that
10 weir entirely is illegal.

11 MR. SHIPLEY: Correct.

12 MR. STEIMLE: And when we're out
13 looking at the sites, I would say probably 90
14 percent of the boats they showed us, they said they
15 were all within illegal waters there. I mean
16 obviously is not enforcement really per se, but
17 it's -- I don't know -- you know we definitely
18 don't want to --

19 MS. UNDERWOOD: Encourage it.

20 MR. LAMKIN: Right.

21 MR. STEIMLE: In other words, we
22 have the ability to provide some type of
23 enhancement if it's something that would be --

24 MR. SHIPLEY: Yeah.

25 MR. STEIMLE: -- deemed necessary

1 recreation, and if all the great recreation is
2 associated with a semi-legal activity, then we
3 might just kind of --

4 MR. SHIPLEY: I mean, but it's going
5 to be -- a question is gonna come up. So just
6 address it one way or the other what's gonna happen
7 downstream with regard to recreation.

8 MS. ADAMS: The --

9 MR. SHIPLEY: Either we take it off
10 limites or we're gonna provide some structures for
11 people to fish.

12 MR. MURPHY: Providing access to the
13 Corps facility is difficult.

14 MR. SHIPLEY: Anymore it is, yes,
15 it's become difficult.

16 MR. MURPHY: 'Cause we don't have
17 the authority to tell them to do that.

18 MR. SHIPLEY: No, no, no. I'm
19 saying you don't, no, but that --

20 MR. MURPHY: And then if you do
21 provide an access, you have to provide parking
22 area. So there are -- I'm not the recreation
23 person.

24 MR. SHIPLEY: If you provide a --
25 just -- if you allow boats to come up, then you

1 don't have to provide a parking area. But if you
2 provide a walkway, then you have to have a parking
3 area. And right now you can't even get close to
4 the locks and dams. I mean that's since, like we
5 said, 911. Used to be that wasn't true, you could
6 drive in there and walk around them and everything
7 else and watch the barges and get locked through,
8 but you can't now, which is kind of sad, because
9 that's really affecting -- People used to enjoy
10 going down and watching the barges get locked
11 through. Oddly enough they, they like to do that,
12 you know, just to get out and go somewhere. And
13 they used to have more picnic facilities next to
14 the locks and dams, but that's coming back. That's
15 something that people are really looking at right
16 now. So you need to address it either, no, there
17 won't be anything provided, or work with the
18 district to either provide something that'll be
19 working with operations.

20 MR. STEIMLE: Okay. We can -- I
21 think we can make that clear.

22 MR. SHIPLEY: Just understand that
23 something is coming in the and you need to address
24 it.

25 MR. STEIMLE: Yeah. Okay.

1 MS. ADAMS: Land Use and Aesthetics.
2 The effects of project construction, operation and
3 maintenance on the proposed project facilities and
4 transmission lines on land use and aesthetic
5 resources within the project boundaries.

6 MR. MURPHY: I think we just covered
7 that.

8 MR. SHIPLEY: What I'm trying to
9 figure out, how do we make 'em look pretty? I just
10 don't know how you're going to do that. So I don't
11 believe that's not --

12 MR. MURPHY: Aesthetics are also the
13 ability to watch the barges.

14 MR. SHIPLEY: Barges, yeah, and
15 that's something that's been taken away.

16 MR. MURPHY: Yeah.

17 MR. SHIPLEY: No matter what. And
18 neither one of these facilities are on the same
19 size of the lock, so that's not really a factor.
20 But, no, you can -- actually what you need to
21 address is what's the power line gonna look like
22 and how it's going to disturb the vista of the
23 area. I don't see how your power plant is gonna
24 really make a difference in the vista of the area.

25 MS. ADAMS: Okay. Cultural

1 Resources. "The effects of the proposed actions
2 and alternatives on properties that are included in
3 or eligible for inclusion in the National Register
4 of Historic Places." There were no historic
5 buildings at this site.

6 MR. STEIMLE: Well -- I mean --

7 MS. ADAMS: Traditionally with
8 re-licenses some of the powerhouses.

9 MR. STEIMLE: Yeah, I was gonna say,
10 the dam, you know, is pretty recent. All our other
11 -- not all our other projects, most of our other
12 projects we have had to go through determination
13 eligibility process for the -- actually designed
14 our powerhouses and all structures using an
15 architect that made a compatible design built, but
16 again, we're not at the 50 year threshold and so
17 we -- We intend to do like class -- I don't know if
18 they're using the same class term here, but class 3
19 cultural resource survey efforts in footprint of
20 construction, anything else that would permanently
21 impact or temporarily impacted for that matter,
22 make sure that we're not disturbing something, but
23 --

24 MR. LAMKIN: Yes, and this might be,
25 maybe it's different terminology. Class 3 is the

1 same as what a phase 1 or is it?

2 MR. SHIPLEY: Well actually he's
3 talking about if he passed phase 1. I mean you do
4 a phase 1 to see what's there.

5 MR. LAMKIN: Right.

6 MR. SHIPLEY: And he's saying that
7 they would, would mitigate for any impact cultural
8 resources. Now, I don't think there's any problem
9 with the placement of the dam because were already
10 surveyed and looked at, and most of those were
11 disturbed during the construction of the lock and
12 dam. It's your transmission line. They're gonna
13 want to look at each place you're gonna put a tower
14 and see if you're going to effect something with
15 that. So that's gonna be your biggest point for
16 historical and archeological resources. And I
17 don't know if you're going over any neat old farm
18 houses or anything like that.

19 MR. STEIMLE: I mean --

20 MR. SHIPLEY: The transmission lines
21 are notoriously difficult for cultural resources.

22 MR. STEIMLE: You mean that'll
23 include all areas with footprint, so.

24 MR. SHIPLEY: I mean if you can just
25 send us electricity some other way, you'd be fine,

1 but you can't, so this new line and even your
2 upgrades are gonna have to be looked at. And, no,
3 I'm not an archeologist and I would never profess
4 to want to be, but that's -- will something -- the
5 power -- the transmission lines will be your
6 biggest sticky point, I believe for cultural
7 resources.

8 MS. ADAMS: Okay. Developmental
9 Resources. The effects of any proposed or
10 recommended environmental measures of each
11 project's economics. Questions or comments?

12 MR. LAMKIN: Can't think of
13 anything.

14 MR. SHIPLEY: I can't think of
15 anything, no. I mean --

16 MR. LAMKIN: Uh-uh.

17 MR. SHIPLEY: Hopefully you'll bring
18 a few jobs to the area.

19 MR. STEIMLE: Definitely have a few
20 operators permanently. In fact, one of the
21 operators -- wanted to know when we're gonna be
22 hiring. I mean they'll definitely -- We have
23 numbers on the -- no a number of temporary
24 construction jobs in the area. That's a pretty
25 massive, but temporary number.

1 MS. UNDERWOOD: Is that what that
2 means? I interpret that as meaning that you're
3 going to go through all the different measures that
4 you probably should do, but it define what kind of
5 an economic impact that's going to have on your
6 project, but it doesn't mean that you're actually a
7 good thing.

8 MR. STEIMLE: Well, I was just
9 answering his question.

10 MS. UNDERWOOD: Oh, but that
11 actually means that you're going to?

12 MR. STEIMLE: No.

13 MS. UNDERWOOD: No. But what does
14 that mean?

15 MR. STEIMLE: I think your
16 definition is a little bit closer, correct, what
17 you mean by Developmental Resources?

18 MS. UNDERWOOD: Yes. See you're
19 talking about you're gonna not only gonna provide
20 argument as to why you can or cannot do what we've
21 suggested in terms of addressing the operation like
22 that?

23 MR. STEIMLE: Yeah, and that will be
24 -- you'll probably go -- you'll probably go over
25 the study request portion of this, but definitely

1 when we put together our study plan, we work really
2 hard with Nexus and stuff, and some of that sort of
3 comes out in that area of it.

4 MS. UNDERWOOD: Um-hum.

5 MR. STEIMLE: Maybe I'm leading into
6 something I should --

7 MS. UNDERWOOD: Oh, I was just
8 wanted to clarify because the way he --

9 MR. STEIMLE: Yeah, yeah, I
10 apologize.

11 MS. UNDERWOOD: -- was talking. It
12 sounded like an entirely different -- sounded like
13 it was a, you know, a population, job, providing,
14 but I don't, I didn't interpret it as such.

15 MR. MURPHY: But he was just picking
16 out the section where the cost of constructing is
17 or operating the project is included.

18 MR. SHIPLEY: Is included, yeah.

19 MR. MURPHY: And then there's also
20 all the measures that are done to, you know, the
21 studies have costs, the monitoring and such have
22 costs.

23 MR. SHIPLEY: Costs.

24 MS. UNDERWOOD: See, that always
25 gets me, too, because then you've got a monetary

1 cost for doing the measure. You've got a monetary
2 benefit, wage rate for hiring a person, but we
3 still do not have a monetary value to aesthetics or
4 spawning beds or cultural resources. So you've got
5 two monies and a non-money.

6 MR. STEIMLE: You know, I would
7 argue with you a little bit. Maybe not here, but
8 on the west coast they do --

9 MR. SHIPLEY: They do have --

10 MR. STEIMLE: They're a state
11 proprietary water rights associated with even
12 non-consumptive hydro.

13 MS. UNDERWOOD: Aha.

14 MR. STEIMLE: And they do assign an
15 economic value.

16 MS. UNDERWOOD: Do they. And are
17 they a nice high value?

18 MR. STEIMLE: They're pretty high.
19 But that's a states thing, you know, and it's --

20 MS. UNDERWOOD: Yeah.

21 MR. STEIMLE: So, you know, I --

22 MS. UNDERWOOD: Do we have anything
23 like that?

24 MR. SHIPLEY: Yeah, the Corps does
25 have something, and you don't hardly ever see it go

1 out anymore. We used to have these big things
2 about what people are willing to pay for
3 recreational use and what they're willing to pay
4 for that type of thing. That -- the Corps used to
5 do that all the time and that was part of the
6 habitat evaluation procedure and everything else.
7 You could value habitats and you could put a cost
8 on it and everything else, but the Corps doesn't
9 hardly do that anymore.

10 MS. UNDERWOOD: Well, I would find
11 fault with basing everything on what people would
12 pay for. I mean poor little spawning fish would
13 give their life to have a place to lay their eggs.

14 MR. SHIPLEY: That you can't put an
15 economic value on that.

16 MS. UNDERWOOD: And I would give my
17 life to ensure that she had a place to put those
18 eggs.

19 MR. SHIPLEY: But the thing of that
20 is that people will go out and bird watch, and
21 they've -- that a consumptive use, they will go out
22 and bird watch, they will go out and look at
23 different areas, and what are they willing to pay
24 to go and do that. So you can put a price on all
25 this and you can come up with a worth of it. And

1 also on that you can off balance what jobs you'll
2 bring to the area for that recreational use. It's
3 just like if we make a lake, we know they're gonna
4 tour, they're gonna be fish guides and everything
5 else, and they provide a benefit to the area. So
6 all that can be shoved into this effects of any
7 proposed or recommend or environmental measures on
8 each project economics. So the environmental
9 measures can have a value put on it like they do on
10 the west coast.

11 Now here we don't have anything to
12 do with water rights, which you do out there, and
13 that was always something that a lot of people
14 can't understand around here, but you don't, you
15 won't be dealing with that, so that's no big deal.
16 Well I shouldn't say that, Kentucky has begin to
17 talk about water rights, they have.

18 MS. UNDERWOOD: Just do the best you
19 can.

20 MS. ADAMS: I'm gonna move us on to
21 Proposed Studies and Study Request. In the
22 pre-application document or the pad, the applicant
23 listed studies that they proposed; that they
24 believe will be necessary to obtain information
25 relevant to the two proposed projects. All

1 stakeholders can request studies. Therefore, it's
2 important to understand the criteria of study
3 request. The study request criteria are listed in
4 Appendix B of your scoping document, which is the
5 very last page. So if you choose to submit a study
6 request, then please refer to the criteria so that
7 all criteria are addressed within the study
8 request.

9 The criteria were developed to keep
10 the studies focused and focused on a specific goal
11 and to obtain pertinent information upon completion
12 of the study.

13 The criteria are to describe the
14 goals and objectives of the study proposal and the
15 information to be obtained. Explain relevant and
16 resource management goals. Especially if that
17 applies to the state agencies. 'Cause many state
18 agencies will have their specific resource
19 management goals. It may also apply to India
20 tribes with jurisdiction over the resource to be
21 studied.

22 If the requester is an individual
23 rather than a resource agency to explain any
24 relevant public interest, considerations in regard
25 to the proposed study.

1 Describe existing information
2 concerning the subject of the proposed -- of the
3 study proposed and the need for additional
4 information.

5 And this one right here, describe
6 existing information. If you proposed a study of
7 dissolved oxygen and there were existing studies
8 that were taking place or had taken place, it would
9 be very beneficial if you could provide all
10 existing information, like from other sources.

11 Explain any Nexus between the
12 project operations and effects, either direct,
13 indirect or cumulative on the resource to be
14 studied and how the study results would inform the
15 development of the license requirement.

16 And explain how any proposed study
17 methodology, including any preferred data,
18 collection and analysis techniques or objectively
19 quantified information and a schedule including
20 appropriate field seasons and the duration is
21 consistent with generally accepted practice in the
22 scientific community or as appropriate considers
23 relevant tribal values and knowledge.

24 And 7 and finally, describe the
25 considerations of level or effort and cost as

1 applicable and why any proposed alternative studies
2 would not be sufficient to meet the stated
3 information.

4 Okay. I will list to categories of
5 the proposed studies, and then we'll go through
6 each of the studies and briefly comment, take
7 questions and so forth. Keep in mind that there is
8 a study plan meeting coming up. And at that
9 meeting very specific details on methodologies and
10 so forth can be studied. So in the interest of
11 brevity today, we might want to limit it to just
12 concepts or, you know, ideas on specific studies.

13 MR. STEIMLE: I would add, too, if I
14 can interject for a minute, that before that study
15 plan meeting you could first -- first study plan,
16 has all the formal methods that we describe will
17 come out, and what we do in that as we include a
18 section that reviews all comments received, and
19 then where those comments have been filtered into
20 specific studies, and how those methods are either
21 adopted or not adopted. And what I mean by that,
22 as we divide our proposed study plan into three
23 sections. Study is adopted, study is modified
24 based on request that may have been a previous
25 study or not, and then study is not adopted. In

1 the study is not adopted section, will explain
2 exactly why they're not adopted. So and everyone
3 has a chance to review that for a couple weeks
4 before that first, first study plan meeting.

5 MS. ADAMS: Thank you, Erik. Also
6 on how to follow a study request, there was one
7 page, a handout I've provided you. It had
8 information that was basically copy and pasted from
9 the scoping document. I like to provide it
10 separately, 'cause it's handy sometimes to have it
11 on its own page. So the information is in two
12 forms for you on the one handout. And then in
13 Section 5.0 of the scoping document.

14 And at the very end of the
15 presentation I have a couple slides with some more
16 information, you know, that might help you in
17 filing documents with the Commission.

18 We categorized the proposed studies
19 in the categories including geology and soils,
20 aquatic resources, water resources, terrestrial
21 resources, rare threatened and endangered species,
22 recreation, land use and aesthetics, and cultural
23 resources.

24 I'll do the same thing. I'll go
25 through each category. For Geology and Soils there

1 were no studies proposed. Questions, comments?

2 MS. UNDERWOOD: But then based upon
3 our comments, Ken's comments now. Ken's comments
4 will now be interjected or, so we don't have to
5 redo his comments or anything like that because
6 they're already been made.

7 MR. LAMKIN: Well we'll include them
8 formally.

9 MS. ADAMS: Okay.

10 MR. LAMKIN: Or formally in a letter
11 by the March 2nd date. But, yes, as far as --
12 Yeah, we're talking about my comments in doing
13 appropriate studies to make sure that the
14 powerhouse is located.

15 MS. ADAMS: And if you wish to
16 propose a study, then refer to the study criteria.
17 I think with this process and with these meetings,
18 you know the more specific that you can be in what
19 you're proposing, the better it is for all parties
20 involved.

21 MR. MURPHY: Just to jump back, I
22 think the studies I remember that might be looked
23 at would be suitability of the soils for
24 construction. I guess you guys would be doing that
25 anyways. Effective operation on sediment

1 transport, sediment modeling of some kind. Is
2 there any concern with pollution in these sediments
3 in the section of the river?

4 MS. ADAMS: The --

5 MR. LAMKIN: I can't remember.

6 MS. UNDERWOOD: Well, what would
7 actually be occurring there. As long as nothing is
8 introduced. Well, there would be disturbance,
9 right.

10 MR. LAMKIN: For construction.

11 MS. UNDERWOOD: How far deep down
12 into the sediment bed?

13 MR. LAMKIN: It's gonna be pretty
14 deep. Foundation is gonna be pretty deep. It
15 depends on what kind of foundation you do, whether
16 you're gonna go to bedrock or if you're gonna do
17 like -- I don't know what the area is like, so I
18 don't know -- cassons or. I would think that for a
19 disposal you're probably gonna --

20 MR. MURPHY: It's more in the
21 sediment management plan when they get -- pull out
22 the sediment from behind, whatever cooper gun they
23 use.

24 MR. LAMKIN: Um-hum. Yeah, I mean,
25 and I would think normal procedures would be

1 adequate. I don't think there would be any
2 specific, you know, contamination.

3 MS. UNDERWOOD: From deep down.

4 MR. LAMKIN: Deep excavation.

5 MS. UNDERWOOD: About how deep is it
6 -- I mean how deep are they pouring out from the
7 sediment bed?

8 MR. LAMKIN: Well, you know
9 different -- you're talking about pouring for
10 expiration or --

11 MS. UNDERWOOD: I'm talking going
12 down. How far are they disrupting the -- how deep
13 they to the sediment bed are they disturbing the
14 sediment? Like here's the top --

15 MR. LAMKIN: Oh, now you're talking
16 about during operation?

17 MS. UNDERWOOD: Well building or any
18 disturbance, like. You know, let's say we've got a
19 layer of something down here that we don't want
20 exposed to the surface. So how deep are they going
21 to go down into the sediment bed?

22 MR. UMINSKI: Well, it's -- there's
23 different methods that you can use. Basically we
24 design it so that -- to low taputation. You say
25 you need a certain depth to keep your water

1 pressure up. Basically when they do the final
2 design on that, that's going to probably change,
3 'cause we use the most conservative number. And I
4 believe it was about 80 feet. Actually we're at --
5 we're showing about 112 feet, and so that's gonna
6 -- that will change most likely. But it's gonna be
7 really deep. These turbines are about 30 feet in
8 diameter and that's just this part of it right
9 there. So this one is showing 50 feet.

10 MS. UNDERWOOD: Where's the river
11 through -- where's the bed, the river, the
12 sediments on the river? That, so that's the
13 sediment line right there?

14 MR. UMINSKI: No. Those are just
15 water levels.

16 MS. UNDERWOOD: That's water level.

17 MR. UMINSKI: So you're talking
18 typically 9 feet, in between 5 and 9 feet then you
19 get to the shores below those water levels.

20 MS. UNDERWOOD: Okay. So that would
21 be --

22 MR. LAMKIN: Well, upstream of the
23 dam that's gonna be deeper than that.

24 MR. UMINSKI: That's true.

25 MS. UNDERWOOD: So we're gonna -- is

1 that 80 feet. So you're gonna dig down -- to the
2 river bed like maybe 60 feet down into the river
3 bed?

4 MR. UMINSKI: Um-hum.

5 MR. MURPHY: But that section will
6 be behind the cooper dam, right? Do you want to --

7 MS. UNDERWOOD: And then that
8 sediment material --

9 MR. MURPHY: Is disposed.

10 MS. UNDERWOOD: You're talking about
11 industry disposal?

12 MR. LAMKIN: No. Probably --

13 MS. UNDERWOOD: Yeah, I was gonna
14 say. It's awfully deep.

15 MR. STEIMLE: Yeah, usually we have
16 to -- Usually -- well not always, but often times
17 it has to be tested.

18 MS. UNDERWOOD: Yeah, that's what I
19 was wondering, yeah, how do you --

20 MR. STEIMLE: Soil areas that have
21 their own erosion control plan if it's a drain, and
22 then it just goes -- for approval -- facility --
23 Any wetland are extremely expensive.

24 MR. LAMKIN: And suppose I can
25 probably locate -- purchased the property --

1 MS. UNDERWOOD: So, like Ken's --
2 well the proposal that we made for doing the
3 geological study, the proposal that was made for
4 doing like aquatic habitat impacts upstream, so do
5 those all have to be now provided to you in this
6 written format here as described, things that -- if
7 we are interested in enhancing what you've already
8 got listed as your proposed study, we've got to go
9 through these procedures now at this point?

10 MS. ADAMS: If you want to propose a
11 study that the applicant has not proposed --

12 MS. UNDERWOOD: In this written
13 document.

14 MS. ADAMS: -- you should, you
15 should fully write it using the seven study
16 criterias. If, if a study has been proposed and
17 you are proposing changes to it, you can file a
18 written comment without rewriting the whole study.
19 If, however, you really believe certain
20 methodologies should be used and you want that on
21 paper, then I would encourage you to be as specific
22 as possible and to put that on paper using the
23 seven criteria.

24 MS. UNDERWOOD: Okay. And we are
25 going to have subsequent meeting with Fish and

1 Wildlife and ORSANCO?

2 MS. ADAMS: We hope that they will
3 all attend, yes.

4 MS. UNDERWOOD: So that they will
5 be, you know, made aware of the need to submit
6 these things in writing.

7 MR. LAMKIN: Then this is -- these
8 study criteria be proposed by the March 2nd
9 deadline?

10 MS. ADAMS: Yes.

11 MR. LAMKIN: So I think it's going
12 to preclude. They're not gonna -- there won't be
13 any additional meetings with them prior to that.
14 They are I guess aware of it, they just couldn't
15 attend today.

16 MS. UNDERWOOD: Oh, okay.

17 MR. LAMKIN: Because of the weather
18 or whatever associated reasons.

19 MR. STEIMLE: And, you know, this
20 gets in this tricky gray area, but we do understand
21 that especially now resource agencies have
22 extremely cut back and they're, you know, lots of
23 issues in competing with this one, and so we have
24 done in the past. We don't necessarily love it,
25 but we -- Often times agencies show up at that

1 first draft meeting, they have comments that don't
2 meet the Nexus, they're not specific, but then
3 they've had a chance to look at our methods, and
4 then we discuss those methods at that first site
5 plan meeting. And then sometimes we opp to file
6 what we call "A Preliminary Draft Revised Study
7 Plan." And as you saw on the schedule, there's a
8 time for filing a study plan. Then there's study
9 meeting, then there are study meetings, then
10 there's a filing of a revised study plan that you
11 also get time to comment on. But because of
12 limited time and ability of the agencies, sometimes
13 between the time of the first study plan meeting
14 and the time the Revised Draft Study Plan is due,
15 we will, we will draft what we called the
16 Preliminary Draft Revised Study Plan that
17 incorporates the ideas and methods thrown out in
18 the study plan meetings in a draft form so that the
19 agencies don't necessarily have to reinvent the
20 wheel. Basically they can look at our methods and
21 our time lines and such and say yea or nea instead
22 of having to have them come up with them on their
23 own. But, again, you know, there is some, there is
24 some risk of that, I mean they are the applicant.

25 MS. UNDERWOOD: Right.

1 MR. STEIMLE: But we, as I said
2 before, it's in our best interest to, you know, to
3 the extent possible, to do the studies that
4 everyone thinks needs to be done so we can have a
5 complete application. So we're not -- you know,
6 and where is the time line works in our favor.
7 We're not there to abuse it either.

8 MS. UNDERWOOD: Um-hum.

9 MS. ADAMS: And if you'll note the
10 Study Plan Meeting in that box, it say, "informal
11 resolution of study issues." And so that's when if
12 people still aren't agreeing on how -- on any
13 specific about the study, and part of the purpose
14 of that meeting is to come to agreement.

15 MS. UNDERWOOD: Where was -- I see
16 -- study request submission meeting. Oh, okay, so
17 May 14th then. So they've got like until May 14th
18 to really get in contact with.

19 MR. STEIMLE: No, what'll happen is,
20 is what we usually like to do is after this meeting
21 we've got some additional issues where we like to
22 get some of those flushed out, and then our
23 specific resource specialists, our aquatic
24 ecologists, fisheries biologists, they will make
25 contacts to the groups on this list that weren't

1 here --

2 MS. UNDERWOOD: Oh.

3 MR. STEIMLE: -- that they
4 specifically feel need to be here and remind them
5 of this deadline for filing study request. Now
6 they may not make that deadline. Often times what
7 happens now is sort of a -- use the right phrase,
8 but people start calling other people and they need
9 to attend this, those dates are coming up, and so
10 we sort of get a --

11 MS. UNDERWOOD: Okay.

12 MR. STEIMLE: -- a little more
13 response ahead of them, but--

14 MS. ADAMS: And you can take scoping
15 documents and provide them --

16 MS. UNDERWOOD: And you can send
17 them, yeah.

18 MS. ADAMS: -- to people.

19 MS. UNDERWOOD: Okay.

20 MS. ADAMS: I'm gonna move us onto
21 Aquatic Resources. The applicant has proposed a
22 study plan to determine the densities of Zebra
23 muscles prior to project construction. Any
24 questions or comments? I think that one is fairly
25 cut and dry.

1 I'll move onto Aquatic Resources.
2 The applicant has proposed a tailwater aquatic
3 habitat study to evaluate the effects of project
4 operation on tailwater hydrology and habitat for
5 aquatic species. Questions or comments about that
6 one.

7 The Aeration Monitoring Plan. The
8 applicant has proposed a study to develop a
9 monitoring plan with protective measures to
10 maintain DO levels. Questions or comments? Okay.

11 Terrestrial Resources. The
12 applicant has proposed a vegetation
13 characterization study to quantify and map
14 vegetation types within the project boundary of
15 each project and establish reference points for
16 photographic documentation.

17 MR. SHIPLEY: Are you gonna put this
18 in like a GIS type?

19 MR. STEIMLE: Yeah, so the -- and
20 when we put out our proposed study plan it'll
21 actually describe the exact reporting -- what we
22 report on requirements what we're gonna put out,
23 but usually what we do for (veg) characterization
24 is, yeah, we do a combination of depletion surveys
25 and certain plots, and then, you know, when we

1 specifically work with local -- to get a target
2 list of species they're most concerned about that
3 will be in the area and reference those as well.
4 Some of that is can be work cooperatively with
5 wetland deliniation work, but they're all separate
6 reports. And so, yeah, you have -- everything is
7 map with the handle GPS. Usually exception
8 wetlands which is the finer scale mapping. There's
9 maps available. You know, all the information on
10 species recorded, that type of thing.

11 MR. SHIPLEY: And you have put that
12 into a GIS?

13 MR. STEIMLE: Yeah. We have our own
14 GIS staff, so, I mean if you're interested in like
15 the shape files or whatever else --

16 MR. SHIPLEY: Well the agencies --
17 the states will be, yes.

18 MR. STEIMLE: Okay.

19 MR. SHIPLEY: That's why I'm saying.

20 MR. STEIMLE: Yeah.

21 MR. SHIPLEY: You need to just tell
22 'em. They'll be just tickled pink to come and
23 look, start looking at 'em.

24 MR. STEIMLE: Okay.

25 MR. SHIPLEY: So --

1 MR. STEIMLE: Those files are very
2 easy to share.

3 MR. SHIPLEY: Right. And I think
4 you're gonna solve a lot of your problems with,
5 potential problems with the states if you make sure
6 they get those files.

7 MR. STEIMLE: Okay. Ah --

8 MS. ADAMS: Did you have any other
9 comments, Erik?

10 MR. STEIMLE: No.

11 MS. ADAMS: Okay. I'm gonna move us
12 on. The applicant proposed a wetland determination
13 study to locate wetlands within the project
14 boundaries. And I believe actually that is
15 abbreviated in the scoping document is to locate
16 and map wetlands, so those would be available in a
17 GIS format.

18 MR. STEIMLE: Yeah, we'll have to --
19 basically we'll be meeting the Corps criteria for
20 Corps and state criteria, I don't know if it's a
21 separate state criteria.

22 MR. SHIPLEY: No.

23 MR. STEIMLE: Indiana. It's just
24 for the --

25 MR. SHIPLEY: Corps -- determination

1 the deliniation.

2 MR. STEIMLE: Yeah.

3 MS. ADAMS: Okay. Weed
4 Characterization study. To locate, identify, and
5 develop a comprehensive plan for controlling
6 invasive plants. Questions or comments? Okay.

7 Rare, Threatened, and Endangered
8 Species. The applicant has proposed a native
9 mussel survey where they would conduct qualitative
10 surveys to determine the presence absence of native
11 species, followed by quantitative surveys of RTE
12 species that were determined to be present.

13 MR. SHIPLEY: Yeah, you're gonna do
14 that with the same way with GPS and put that in a
15 GIS?

16 MR. STEIMLE: We're actually -- our
17 aquatic ecologist -- we're looking hopefully for
18 some help from the state as far as the methods and
19 such here. We've done mussel surveys in the past,
20 but on much smaller rivers.

21 MR. SHIPLEY: They're rough in the
22 Ohio River.

23 MR. STEIMLE: So we're -- we're
24 looking to --

25 MR. SHIPLEY: I think a last really

1 big mussel survey was done in '93.

2 MR. STEIMLE: Yeah. You know, and
3 some of these --

4 MR. SHIPLEY: I don't even know
5 where -- even though I was the major -- I was the
6 person that was the contract represent -- I mean,
7 you know, I wrote up the scope and everything else,
8 but I don't think much else has been done since
9 then.

10 MR. STEIMLE: Your --

11 MR. SHIPLEY: Well, see, that's it,
12 that won't come to my head right now. It's been a
13 long time ago.

14 MR. LAMKIN: I just know for a fact
15 there have been surveys done at Smithson
16 Campbellton.

17 MR. SHIPLEY: Campbellton.

18 MR. LAMKIN: Particularly at
19 Smithson -- I can't -- you know, if you're looking
20 for commercial names, I can't -- I'm not a 100
21 percent sure on the names.

22 MR. STEIMLE: We -- we got a name --
23 last time we met the individual.

24 MR. SHIPLEY: Was that by Braille,
25 is how they did this study?

1 MR. STEIMLE: Oh, I don't know, we
2 got a list of environmental contractors that had
3 done the mussel surveys for the Corps, and so --
4 you know that's potential option there, too.

5 MR. SHIPLEY: Now they do it
6 dredging is what, is what you're talking about.
7 They do it, but their dredge, for where we're
8 dredging at.

9 MR. LAMKIN: Well, I was talking
10 about for the development, hydropower at Smithson.

11 MS. UNDERWOOD: Didn't west -- it
12 was -- when it was called West, Drew Miller --

13 MR. LAMKIN: Yes.

14 MS. UNDERWOOD: -- he came up and
15 did mussel surveys. But I think he's retired and I
16 don't --

17 MR. SHIPLEY: Yeah, I know he is.

18 MS. UNDERWOOD: I don't know if they
19 have anybody.

20 MR. SHIPLEY: Well but you can get a
21 contractor. The thing about the state is gonna
22 want to know if you're gonna do this by what
23 method. That's the biggest thing that the state is
24 going to want to know about what method. Are you
25 gonna do a dive survey or you gonna do it for us?

1 MR. STEIMLE: Yeah. And we don't
2 know.

3 MR. SHIPLEY: You don't know. Okay.

4 MR. STEIMLE: We don't know at this
5 point. I mean we -- we will prescribe something,
6 obviously, in our proposed study plan. We're
7 hoping to get comments that would aid us in one way
8 or another a head of that, but if we don't, we're
9 gonna take a first, first stab at it, and --

10 To be real honest with you, I look
11 at this as the potential study that could easily
12 fall into a category of being very expensive.

13 MR. SHIPLEY: Dive surveys are very
14 expensive.

15 MR. STEIMLE: Yeah. I mean we
16 understand we understand that there's going to be
17 some expense, obviously, with this survey, but I
18 mean, we're, you know, as far as scope, length, you
19 know, those areas, I assume with these particular
20 study we're gonna be talking about it a lot.

21 MR. SHIPLEY: Yeah. I -- I don't --

22 MR. STEIMLE: And I think we'll --

23 MR. SHIPLEY: I think that's
24 something -- once something you're gonna -- since
25 you've already proposed it --

1 MR. STEIMLE: Yeah.

2 MR. SHIPLEY: -- as -- you're gonna
3 have to really lay it out quite clearly what you're
4 gonna do, because both Kentucky and Indiana is
5 gonna have their opinion about what should be done.

6 MR. STEIMLE: And so maybe that's --
7 you know, maybe that's what we'll end up doing if
8 we don't receive any comments over the next month.
9 So we'll just --

10 MR. SHIPLEY: You maybe ought to
11 really try to dig 'em out, because you hate to do
12 something and then all of sudden they don't like
13 it.

14 MR. STEIMLE: Sure. And I'm not --

15 MR. SHIPLEY: But a dive survey can
16 get very, very expensive, 'cause a dive team cost a
17 lot per day.

18 MR. STEIMLE: Yeah. And we're --
19 we're doing some of those --

20 MR. SHIPLEY: You are. And that's
21 on small streams?

22 MR. STEIMLE: Yeah.

23 MR. SHIPLEY: Where most of the time
24 you can even do that where a snorkle.

25 MR. STEIMLE: It's a combination and

1 two based on turbidity, but what I've seen here --
2 there's not a clear time.

3 MR. SHIPLEY: No, no, no. You'll
4 have to do -- the dive survey consist of a diver
5 going out on the end of his, of his line and
6 feeling the muscles. You don't see 'em, unless you
7 put 'em up like this. Okay. So, yes, they can get
8 very expensive. Braile is not difficult.

9 Now, to be quite honest where all
10 the mussel beds are, used to be, and this still
11 occurs, people do go out and catch muscles.

12 MR. STEIMLE: Really.

13 MR. SHIPLEY: And they take the
14 muscles and they cut 'em up into small beads and
15 they use them for the pearl industry. That's where
16 the center of most pearls are --

17 MR. MURPHY: Mother of Pearl.

18 MR. SHIPLEY: -- are come from the
19 idea of muscles, is of what they put in the oysters
20 to start making the pearl, it's a little bead. I
21 mean you've heard of that, right. I don't know how
22 big it's going on right now. But most of the time
23 you can find mussel beds because the locals know
24 where they are. So this is something you need to
25 really coordinate with the state and pull it out of

1 'em, because like you said, they're very deficient
2 in resources right now.

3 MS. ADAMS: Very good comments. Any
4 others? Okay. The applicant proposed a sensitive
5 plant survey to locate and identify sensitive
6 plants within the project boundaries. Questions or
7 comments? Okay.

8 MR. LAMKIN: Uh-uh.

9 MS. ADAMS: Sensitive Wildlife
10 Habitat Survey. To determine wildlife species
11 occurring by habitat type and the potential
12 occurrence of sensitive species. Questions or
13 comments? Okay.

14 Recreation. The applicant proposed
15 a study to determine the name for additional
16 recreational facilities at the John T. Myers Locks
17 and Dam at the Uniontown development of the
18 project. Questions or comments?

19 I think you had some comments on
20 record previously.

21 MR. SHIPLEY: Yeah, that -- we get
22 into just some barrel of all sorts of things coming
23 out on that, because people going to want things,
24 but then -- I'm not trying to represent, you know
25 that the Corps doesn't want certain things on the

1 locks and dams, but the states are pushing for it
2 and the locals are pushing for it, so just be
3 sensitive when you get involved in this.

4 MR. STEIMLE: Sure.

5 MS. ADAMS: The applicant proposed a
6 Cultural Resources survey to locate and identify
7 cultural and historical areas within the project
8 boundaries. Questions or comments?

9 MR. SHIPLEY: That just give me a
10 what happens.

11 MR. MURPHY: We would probably have
12 to clarify the long transmission line.

13 MR. STEIMLE: Does it not say that
14 in the pad?

15 MR. MURPHY: We might have short-cut
16 the study just --

17 MS. ADAMS: Yeah, we -- I think
18 there was some editing at the last step. No, ah --

19 MR. MURPHY: People like to cut out
20 things that they don't think are necessary and --
21 in the meeting.

22 MR. SHIPLEY: Okay.

23 MR. STEIMLE: Yeah. Well, I mean,
24 maybe it didn't say that in the pad. It should
25 have include that huge series of maps with the

1 transmission line corridor with wetlands and
2 everything else, because we assume that's our
3 project boundary.

4 MS. ADAMS: What page are you on?

5 MR. SHIPLEY: Got it. Because
6 Newburgh does have quite -- you're gonna run into
7 stuff.

8 MS. ADAMS: Are you on Cultural --
9 Yeah. I think it was assumed that it's within the
10 project boundaries, but I'll double check that,
11 too.

12 MR. STEIMLE: Do you have any sense
13 of how active any tribes are in those areas? We
14 had a very difficult time coming up with that.

15 MR. SHIPLEY: If you find human
16 remains you're gonna have to, you know --

17 MR. STEIMLE: Sure.

18 MR. SHIPLEY: They'll be turned over
19 to the local, the local representatives of the
20 different Indian tribes in the area and they'll,
21 you know, rebury the remains, and that's about the
22 main thing that you're going to get involved with.

23 There are a list, and I don't know
24 of the different tribes you need to contact, but I
25 don't have that with me, and I can't remember off

1 the top of my head. I think they've got down to
2 just one person that you write to, and as I
3 remember he was in Oklahoma the last time.

4 MS. ADAMS: I talked to a lady with
5 the Corps in your district that provided --

6 MR. SHIPLEY: She gave that to you,
7 good.

8 MS. ADAMS: -- some information to
9 me and all I did was fax it along, of course, to
10 our Cultural Resources person.

11 MR. SHIPLEY: I see.

12 MS. ADAMS: So those two have been
13 in contact.

14 MR. SHIPLEY: Okay. It's not like
15 the west, okay, but it does exist.

16 MR. STEIMLE: Okay.

17 MR. SHIPLEY: It's not like what
18 you've dealt with the west that you actually deal
19 with actual tribes in tribal land, that's not it.
20 You do deal with a number of different Indian
21 tribes. And she talked to the Cultural Resources
22 person, that should be taken care of.

23 MR. STEIMLE: Okay. And the only
24 reason I asked is that we prefer to hire a Cultural
25 Resource consultant that has a good rapport with

1 the local tribes, is usually what we try to do.

2 MR. SHIPLEY: That's a couple.

3 MR. STEIMLE: Okay.

4 MS. ADAMS: Written comments and
5 study requests. We've talked about those numerous
6 times, and you do have how to file those in Section
7 V of the Scoping document, and also on that
8 separate handout. I just wanted to remind you of
9 the filing deadline, March 2nd, 2009. And it's
10 important to file projects that are identified by
11 both the project name and the project number.

12 On the Scoping document you'll find
13 the project numbers, and so you can use those.
14 12958 and 12962.

15 And I also wanted to let you know
16 that if you need to look for information, you'll
17 need project numbers, as well, and it's helpful if
18 you know the docket number, which is the first part
19 of the number. Okay. It's helpful if you know the
20 docket number and the sub-docket number. So the
21 docket number is just the larger part of the number
22 and the sub-docket are the last three digits.

23 If you need to look for documents on
24 the Commission's website, you can go to
25 www.FERC.gov, click on Documents and Filings. You

1 can click on any filings to electronically file
2 documents, so that you don't have to mail in your
3 written comments, you can electronically file them.
4 If you want to locate documents that have already
5 been filed and that are available to the public,
6 click on E-Library. And if you would like to
7 subscribe to projects, you can click on
8 E-Subscriptions, and you enter the docket number.
9 And so from that point forward any document that's
10 filed for a specific project, you'll receive an
11 email with a link to that document. So it makes it
12 kind of easy to keep up with what's going on on a
13 project.

14 If there are no further questions,
15 comments, or discussions, then that concludes our
16 meeting.

17 Do you have other questions,
18 comments?

19 MR. MURPHY: No.

20 MS. ADAMS: Okay. I'd like to thank
21 all of you for your attendance and participation,
22 because the participation is key to the licensing
23 process.

24 MR. LAMKIN: Thank you.

25 MS. UNDERWOOD: Thank you.

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MR. LAMKIN: Yeah.

MS. ADAMS: Okay. If there are no further questions or comments, I adjourn the meeting at 12, or excuse me, 11:46 a.m.

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(At 11:46 a.m., the meeting adjourned)

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C E R T I F I C A T E

I, Terence M. Holmes, a duly
qualified and commissioned notary public within and
for the State of Ohio, do hereby certify that at
the time and place stated herein, and in the
presence of the persons named, I recorded in
stenotypy and tape recorded the proceedings of the
within-captioned matter, and that the foregoing
pages constitute a true, correct and complete
transcript of the said proceedings.

IN WITNESS WHEREOF, I have hereunto
set my hand at Cincinnati, Ohio, this 2nd day of
February, 2009.

My Commission Expires: _____
Terence M. Holmes
July 28, 2012 Notary Public - State of Ohio