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BEFORE THE

FEDERAL ENERGY REGULATORY COMMISSION

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IN THE MATTER OF: :

CONOWINGO HYDROELECTRIC PROJECT : Project No.

: P-405-087

- - - - - x

Darlington Fire Station  
2600 Castleton Road  
Darlington, MD

Thursday, June 11, 2009

The above-entitled matter came on for scoping meeting, pursuant to Commission Order, at 7:00 p.m., John Smith, project manager, presiding.

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

## 2 EVENING SESSION

3 (7:00 p.m.)

4 MR. SMITH: I want to welcome everyone to the  
5 Federal Energy Regulatory Commission's Public Scoping  
6 Meeting for the Conowingo Hydroelectric Project. This is  
7 FERC Number 405.

8 My name is John Smith and I'm a Fish Biologist at  
9 the FERC and a Project Coordinator for the Conowingo  
10 Project.

11 We have a number of other Commission Staff on  
12 hand this evening, and I'll let them introduce themselves  
13 and state what resources they will be dealing with in the  
14 Environmental Analysis.

15 MS. MURPHY: I'm Kristin Murphy, and I'll be  
16 covering terrestrial resources.

17 MR. KARTALIA: I'm Steve Kartalia. I'm a  
18 Fisheries Biologist, and I'll be working on fisheries and  
19 aquatic resources.

20 MS. DAVIDSON: Samantha Davidson. I'll be  
21 working on recreation venues and aesthetics.

22 MR. PALSO: Nicholas Palso, and I'll be working  
23 on recreation, land use, aesthetics, and historical matters.

24 MR. BAUMMER: John Baummer, Fisheries Biologist.  
25 I'll be working on aquatic resources.

1                   MR. MAKOWSKI: Paul Makowski. I'm a Civil  
2 Engineer. I'll be dealing with geology, soil and project  
3 economics.

4                   MR. SMITH: We have brief presentation, and then  
5 after the presentation, we'll open it up for questions and  
6 comments.

7                   (Slides.)

8                   MR. SMITH: We do have some introductory matters  
9 to discuss. We'll go over the Commission's licensing  
10 process, purposes of the Scoping Meeting. Exelon will then  
11 give a brief project overview of the facilities and  
12 operations.

13                   We'll discuss the issues we've identified to  
14 date, and the studies that are proposed at this time.

15                   We'll go over some important milestones, and then  
16 we'll open it up for questions and comments.

17                   I guess everyone has registered, and we have a --  
18 we also have some handouts up front. We've got plenty of  
19 copies of the scoping document and some other hydro  
20 brochures up there, and a flow chart for the Commission's  
21 licensing process.

22                   We have a Court Reporter with us this evening,  
23 and, so that we can get your comments into the official  
24 record, please, when you speak, state your name and  
25 affiliation, so that we can attribute the comments directly

1 to you.

2 You can also file written comments, and the  
3 instructions for filing written comments, are on page 30 of  
4 the scoping document. There are also instructions in there  
5 on how to e-file.

6 I'll try to explain the mailing list situation.  
7 We sent out the scoping document to Exelon's distribution  
8 list, as well as FERC's official mailing list, but any  
9 future mailings from the Commission, will only go out to  
10 whatever the official mailing list is at the Commission, and  
11 you can find that on the back of the scoping document.

12 So, if you want to receive hard copies on this  
13 Project, you need to make sure you're on that official list,  
14 and there are instructions on the scoping document, page 39,  
15 about how to get on the official list.

16 If you would rather not get the hard copies, but  
17 you still want to know what's going on, you can e-subscribe  
18 to this docket and in that way, you will be notified of all  
19 the filings that come in and go out on this particular  
20 Project.

21 Exelon will be using the Commission integrated  
22 licensing process, known as the ILP. They filed their  
23 Notice of Intent and pre-Application document for Conowingo,  
24 on March 12, 2009.

25 We're in the scoping phase right now, and over

1 the next year, they will be developing their environmental  
2 study plan, and that will be submitted to the Commission at  
3 the end of the year for approval.

4 Once the study plan is approved, they would  
5 conduct the environmental studies over the next one to two  
6 years, and develop the license Application.

7 The license Application is due at the end of  
8 August of 2012. Once the Application has been filed, the  
9 Commission Staff would review it for adequacy, and once it's  
10 found to be adequate, we would issue a ready for EA Notice,  
11 which solicits comments, terms and conditions,  
12 descriptions, and it's kind of the basis for our  
13 Environmental Analysis.

14 At this point in time, we're planning on doing an  
15 Environmental Assessment to look at the resource effects,  
16 and, once that's completed, we would anticipate a licensing  
17 decision towards the end of August 2014.

18 Under the Federal Power Act, one of the  
19 responsibilities of the Commission, is to license non-  
20 federal hydroelectric projects, and, under NEPA, we're  
21 required to disclose the effects of those licensing actions,  
22 so this scoping process is where we being that process of  
23 identifying what resources could be affected by the project.

24 And we issued the scoping document on May 11,  
25 2009, and it includes a description of the existing Project

1 facilities and operations. It has a preliminary list of  
2 resource issues that we've identified so far.

3 It asks for information from the stakeholders.  
4 If you guys know of any good information sources out there  
5 that we should be aware of it, it's requesting that you let  
6 us know about those.

7 It has the process plan for the pre-filing  
8 activities that are going on right now, and it also has a  
9 schedule, an outline, for our environmental document.

10 As you know, this Project, Conowingo, is in the  
11 Lower Susquehanna Watershed. Last night, we held a Public  
12 Scoping Meeting for the Muddy Run Project, and both those  
13 projects will be on a similar course.

14 We also anticipate this Summer, holding site  
15 visits and scoping meetings at York Haven, which is about 50  
16 miles upstream, and, potentially, at the Holtwood Project.  
17 Holtwood, right now, has an amendment application pending  
18 before the Commission, and part of that I think, is, they're  
19 requesting extension of their license term.

20 If that's granted, then we wouldn't be scoping  
21 that project this Summer.

22 So our intent is to do whatever projects come in  
23 this Summer, our intent is to do a multi-project  
24 Environmental Assessment, once all the Applications are  
25 filed.

1                   Now, at this point, we'd like to have Mary Helen  
2 Marsh do a brief overview of the Project facilities.

3                   (Slide.)

4                   MS. MARSH: Thank you. I'm Mary Helen Marsh, and  
5 I'm the General Manager of -- sometimes called the Dam  
6 Manager -- for Conowingo.

7                   (Laughter.)

8                   MS. MARSH: It's the one time I get to say that.  
9 I'm just going to give a brief overview of  
10 Conowingo.

11                   (Slide.)

12                   MS. MARSH: The previous page was an aerial shot  
13 of the plant, and I should have a pointer here, and I'll  
14 point out a couple of things.

15                   That's our fish lift here. I'll have some other  
16 pictures that are closer up, in a minute. Then on this  
17 side, we have the smaller, which is our West fish lift, and  
18 this would be our larger, or East fish lift.

19                   Most of the units are internal. The first seven  
20 units were built in 1920, and they are internal to the  
21 powerhouse. That's what's behind these beautiful windows.

22                   The people who built Conowingo, were very smart,  
23 in that they knew the hydraulics of the River and actually  
24 planned for a larger powerhouse than was originally built in  
25 1928, so, originally, seven units were put in in the '20s,

1 and, later on in the 1960s, four additional units were  
2 built. They sit outside, the draft tubes already in place  
3 in the original.

4 (Slide.)

5 MS. MARSH: Okay, you saw a picture of this  
6 earlier. If any of you have read the book, "Chesapeake,"  
7 it's a wonderful historical perspective on this area. It's  
8 really remarkable.

9 John Smith was not a very nice guy in that.  
10 That's nothing against you, but the Susquehanna River is 450  
11 miles long. It passes through three states.

12 This yellow area here, is the drainage basin,  
13 which is 27,500 square miles. What that means is, whenever  
14 it rains in that yellow area, the water ends up going into  
15 the Susquehanna and it ends up going through Conowingo, into  
16 the Chesapeake Bay.

17 That's one of the important things to note; that  
18 all the water does end up with us at the end of the day.

19 The River flow: It's a very dynamic river. At  
20 times -- and you're all local and you know this -- at times,  
21 there's almost no water, and 1700 cfs is a very small amount  
22 of water, barely enough to run one of our smallest units.

23 Then we've had river flows of greater than a  
24 million, after hurricanes, so it's a pretty dynamic river.  
25 Our high river flows traditionally occur in the Winter and

1 in the Spring of the year.

2 (Slide.)

3 MS. MARSH: This is just another view, orienting  
4 you to where everything is. Holtwood is up here, about 20  
5 miles north of Conowingo. This is the reservoir and the  
6 canal that we use. The power canal is about right here, and  
7 following down, there's Conowingo, where are now, and going  
8 on south to the Chesapeake Bay.

9 (Slide.)

10 MS. MARSH: This is internal to the plant. This  
11 is Turbine Hall. I wish it was this clean all the time, but  
12 that's basically our old unit, because that's the earlier  
13 ones that were built internal to the plant.

14 In the very bottom of this, you can see that we  
15 have two station service units that are about a megawatt  
16 each, that we use for house service on the seven units that  
17 are inside. The others are outside, and are our 75-megawatt  
18 units.

19 (Slide.)

20 MS. MARSH: Here are some of the facts. I  
21 mentioned some of this already. It was constructed between  
22 1926 to 1928. It only took two years to build the Conowingo  
23 Dam. That's amazing to me, as an engineer, because there  
24 were no cell phones, there were no computers, there were no  
25 iPods, and two years, start to finish, the dam was built.

1           It cost -- and this is 1938 dollars -- \$73  
2 million. That was a lot of money back then. It's a lot of  
3 money today.

4           The dam is 4,468 feet long. It's approaching a  
5 mile in length, making it one of the larger dams in North  
6 America, as far as the length goes.

7           We have 11 generators that I talked about  
8 earlier, but the last four account for about half of the  
9 power output. The seven internal, are smaller.

10           To put it in perspective of how much  
11 electricity, it's 1.8 billion kilowatt hours, or about  
12 enough to power about 200,000 homes. As I said earlier,  
13 it's one of the largest stations in the nation.

14           (Slide.)

15           MS. MARSH: Similar gee-whiz facts: We're a mile  
16 long. Exelon Generation LLC, is the owner and operator of  
17 Conowingo.

18           We are considered a run-of-river dam, so the  
19 natural river flow of the Susquehana is relatively  
20 unaltered. As they come through us, we just make  
21 electricity with what we get, and the River gives us,  
22 providing electricity to the transmission system since 1928.

23           It gives to the grid, 572 megawatts. Our  
24 hydraulic capacity is 85,000. Remember that earlier, I said  
25 that the River was very dynamic and goes from 1700 up to a

1 million.

2                   We can only make electricity with the first  
3 85,000, so, if Mother Nature sends us more than 85,000, we  
4 have 50 crest gates that allow us to pass that water on  
5 down. We cannot make electricity from that water, and about  
6 20 days of the year, there will be at least one crest gate  
7 open.

8                   Fourteen miles, is the pond between us and the  
9 next dam up, which is Holtwood. We do have two fish lifts,  
10 East Fish Lift and West Fish Lift, which allows us to take  
11 fish over the dam.

12                   (Slide.)

13                   MS. MARSH: These are just some more facts about  
14 the unit. In 1928, the stuff back then was built to last.  
15 We only just last year, completed overhaul of the last  
16 original unit, and now all of the original seven years have  
17 been rebuilt and are brand new.

18                   They are more efficient, which means that they  
19 use the same amount of water that we did before, but we're  
20 able to make more electricity, very green electricity, by  
21 the way, with the same amount of water.

22                   So when you see 48-megawatt units, that's the  
23 same amount of water that originally we were only able to  
24 get 36 megawatts out of.

25                   (Slide.)

1 MS. MARSH: This is just some pictures from the  
2 construction of the dam. When you look at the pictures up  
3 close, you'll see Model Ts being parked in front of the dam,  
4 as it was being constructed.

5 Some of the reasoning for building the dam back  
6 at that time period, were: There were coal strikes going on  
7 at that time; a comparison of what it takes to start up a  
8 coal unit, first having to heat the boiler up, heat the  
9 water up, and that sort of thing, versus starting up a  
10 hydroelectric plant, which is very quick, like five minutes.  
11 It starts up quicker than that, but we do give the public  
12 five minutes warning, before we turn a unit on.

13 That was a major consideration of going with  
14 hydro, versus building another coal plant. Of course, it's  
15 a renewable energy resource.

16 Fossil fuels are still a big issue now, and the  
17 equivalent amount of coal, is 750,000 tons per year for the  
18 same amount of electricity, so it's very significant.

19 (Slide.)

20 MS. MARSH: There are 50 crest gates, as I said  
21 earlier, and this is a picture of a time when we had all 50  
22 crest gates open. We've had several cranes -- we've got two  
23 60-ton cranes and one 90-ton crane. The cranes are actually  
24 being replaced now, so we're actually expecting another  
25 large new crane by the end of this year.

1 (Slide.)

2 MS. MARSH: Debris management: Our new crane has  
3 actually the ability, using this grappling mechanism, to  
4 actually reach over into the River and pull out debris, so  
5 we do that. So far this year, we've had ten 30-cubic-yard  
6 dumpsters filled up, so far this year, so we do that on a  
7 regular basis.

8 (Slide.)

9 MS. MARSH: Fish restoration: This is just  
10 showing the four fishways, for orientation, between  
11 Conowingo and Holtwood, Safe Harbor, and York Haven. I  
12 can't remember the exact numbers, but in 2009, 29,272  
13 American Shad passed over. That represents a pretty  
14 significant increase over last year.

15 There were 915,000 total fish, so the fish lift  
16 is working very well. We don't have as many American Shad  
17 as we would like to have, but the fish lift has lifted  
18 nearly a million fish over the seasons. The ten-year  
19 average is 89,000.

20 The restoration methods -- Norman and Associates  
21 does our fish restoration methods, hatchery stocking and  
22 transport, and the fish lift, we use to get the fish over.  
23 The goal, from the beginning, is to have about three million  
24 American Shad migrate back through the dam. We're still  
25 working towards that goal.

1 (Slide.)

2 MS. MARSH: These are pictures taken a little bit  
3 closer than the one I showed you, that showed a West Fish  
4 Lift here, which is actually smaller there than it is in the  
5 picture.

6 There's another picture in a minute that will  
7 show you exactly how it works, but they were constructed in  
8 1972, and the East Fish Lift in '91, for a cost of \$12  
9 million. They were constructed later, after the West Fish  
10 Lift was proving to be helpful.

11 (Slide.)

12 MS. MARSH: This is a good photograph, showing  
13 you basically how it works. A lot of you guys are fishermen  
14 and know this, but the fish are actually attracted to the  
15 flow. That's part of their nature.

16 We have one of our regulation gates that we crack  
17 open at a number of cfs, that is a perfect number to attract  
18 the fish. They're actually attracted into a gate area,  
19 trying to swim upstream, they swim into the large bucket,  
20 then we lower the gate down, which puts them right over the  
21 bucket. Then the guys press a button, the bucket lifts up  
22 into basically, a large swimming pool and opens up a valve,  
23 basically, or water gate.

24 The fish go into the swimming pool and continue  
25 their way on up the stream.

1 (Slide.)

2 MS. MARSH: There's a picture of an American  
3 Shad.

4 (Slide.)

5 MS. MARSH: This is the viewing window, so that  
6 large swimming pool area, actually has a viewing window  
7 connected with a little hut, a little office type space, and  
8 the biologists, once the fish are released and swim up --  
9 actually, the fish are crowded past that window. They are  
10 actually counted as they go by every year.

11 I get a lot of people ask me, how do I get that  
12 job counting fish?

13 (Slide.)

14 MS. MARSH: It's not an easy job. It's a lot of  
15 work.

16 This is a year-over-year graph of American Shad,  
17 not the total fish population, but the American Shad. You  
18 can see we've been experiencing a downward trend. I'm not  
19 at all qualified to explain what's going on with the  
20 American Shad in the wild, but what we do like to see, is  
21 this upward trend that we're seeing now.

22 We actually have had nearly a 50-percent  
23 increase this year, over 2008, in American Shad, so we're  
24 very glad to see that.

25 (Slide.)

1                   MS. MARSH: Conowingo recreation, the Bald Eagles  
2                   -- I was telling some folks earlier, that at one point, we  
3                   counted over 75 American Eagles or Bald Eagles at one time  
4                   at the Conowingo Dam this year, just sitting out on the  
5                   rocks.

6                   It was a time when they had the teenage Bald  
7                   Eagles out, and they were all just hanging out and we got to  
8                   count a great many of them. We're very proud of that.

9                   We also have Great Blue Heron, Osprey, and, for  
10                  fishing, striped bass, trout, wall eye, and, of course,  
11                  boating at Glen Cove and Peach Bottom.

12                  (Slide.)

13                  MS. MARSH: We do have a fishing wharf that will  
14                  be opening soon in the next few weeks. This is an artist's  
15                  depiction of it, but it's very near completion now. It's  
16                  very beautiful and will actually allow ADA access to the  
17                  River, and there are also steps to get down.

18                  It's at the edge of the River, just at the outlet  
19                  of the dam, and we're very proud. It's really a beautiful  
20                  construction. We spent around \$4 million on that. So look  
21                  forward to that in the next couple of weeks this summer, and  
22                  we'll be ready.

23                  (Slide.)

24                  MS. MARSH: Octoraro Creek, this is another  
25                  project from last year, on the east side of the dam. The

1 public meetings that we had, indicated that the fishermen  
2 said Octoraro was a good place to fish, but it was kind of  
3 hard to get to.

4 So, we constructed a trail coming down off of  
5 222, down towards the mouth of the Octoraro Creek. That was  
6 completed last year, and we've gotten a lot of good comments  
7 about that.

8 (Slide.)

9 MS. MARSH: This is my final slide, just showing  
10 a rainbow, a fisherman's rainbow, where there's fish at the  
11 bottom of the rainbow. That concludes my overview.

12 MR. SMITH: Thanks a lot.

13 (Slide.)

14 MR. SMITH: In the scoping documents, the  
15 Commission Staff has identified a number of issues in many  
16 different resource areas. You can take a look at those on  
17 pages 22 through 27. There are quite a lot of them there.

18 I guess what we would like for you to do, is to  
19 let us know if we've omitted any important issues, or if  
20 some of those issues really don't apply to this project,  
21 then we can delete them.

22 (Slide.)

23 MS. MARSH: At this time, Exelon has proposed  
24 several environmental studies, as well as their intent to  
25 develop recreation plans and shoreline management plans.

1 The rest of the year, will basically be spent refining the  
2 study plan.

3 (Slide.)

4 MR. SMITH: In addition to commenting on the  
5 scoping document and the list of issues we've identified,  
6 it's also time to request studies. The Commission has seven  
7 study request criteria that must be followed for anyone  
8 requesting a study.

9 You need to identify the study goals and  
10 objectives, consider existing resource management goals and  
11 public interest. There must be a nexus to project  
12 operations. You must explain why the existing information  
13 is not adequate to address the issue. Any methodology must  
14 be consistent with accepted practice, and there must be some  
15 consideration given to the level of effort and cost and why  
16 alternative studies won't suffice.

17 The details on the study request criteria, can be  
18 found in the regs at Section 5.9.

19 (Slide.)

20 MR. SMITH: Here are some important milestone  
21 dates. Study requests and comments on scoping, are due July  
22 10th; proposed study plan must be developed by August 24,  
23 and Exelon will hold study plan meetings by September 23rd.

24 Comments will then be due on the proposed study  
25 plan, on November 22nd. In response to those comments, they

1       require a revised study plan by December 22nd, and the  
2       Director of the Office of Energy Projects, would issue the  
3       study plan determination approving the study plan, by  
4       January 21st of next year.

5                   (Slide.)

6               MR. SMITH: At this point, I'd like to ask, are  
7       there any questions on the licensing process or the  
8       milestone dates?

9               MR. KARTALIA: Before we start taking comments, I  
10      wanted to mention one thing that was inadvertently omitted  
11      from the scoping document. If you look at the issues under  
12      Aquatic Resource on page 23, some of you might have noticed  
13      that we did not list the adequacy and effectiveness of  
14      upstream to downstream fish passage, as an issue, as the  
15      project ends.

16              I don't know how that was omitted, but we do  
17      intend to evaluate that, and we do discuss, under Cumulative  
18      Effects, the effect of the Lower Susquehanna dams. I just  
19      wanted to point that out, that we will be addressing that in  
20      our Environmental Assessment.

21              MR. SMITH: In all likelihood, based on the  
22      comments we receive in these meetings, we will be issuing a  
23      revised scoping document. There's a milestone for that,  
24      too, but I don't recall what the due date is.

25              Is there anybody that would like to provide

1        comments or testimony?

2                    MR. SCHREINER:    Steve Schreiner.    I work under  
3        contract to the Maryland Department of Natural Resources.  
4        The base project manager is Sean Seaman.    He'll be at the  
5        Agency Scoping Meeting tomorrow, but he asked me to just  
6        state that I have his business cards, if anyone would like  
7        to contact him about any issues they have that the State  
8        might be interested in.    I can give those to you.

9                    The State will be submitting comments in writing  
10       by the due date on the scoping document and on the proposed  
11       study plans.    The State is also working quite closely with  
12       other State agencies and federal agencies, as well as with  
13       Exelon to develop the study plans.    Thank you.

14                   MS. ABRAMS:    My name is Carey Abrams, the Mayor  
15       of the Town Port Deposit.    Port Deposit is a small town  
16       located seven miles downstream from the Conowingo Dam.

17                   After looking over the scoping document, I have  
18       six points that I'd like to bring to your attention:

19                   Flooding is not much a problem or an impact that  
20       needs to be studied.    It appears that the only concern  
21       relative to river flow, is water quality related to fish and  
22       wildlife.

23                   While that is important, the frequent flooding in  
24       the Town of Port Deposit and other areas, is equally or more  
25       important, given the impact on people and property.

1           The relationship between the dam, coordination  
2 with the up-river dams, and flooding, should be examined,  
3 and the full range of solutions explored. For example,  
4 solutions could include better flow anticipation management  
5 and coordination of releases and physical structure actions  
6 to prevent flooding.

7           Number two, the outline regarding recreation and  
8 land use studies, is too limited. The impacts, particularly  
9 from river flows, affect a far wider range of private and  
10 public recreation areas and facilities and land uses, than  
11 those mentioned in the scoping document.

12           These impacts should be identified, studied, and  
13 any negative impacts or effects, avoided.

14           Number three, while it isn't clear in the scoping  
15 document, we ask that historic properties in Port Deposit,  
16 be addressed, as the studies are being undertaken.

17           Number four, the list of comprehensive plans in  
18 Section 9, ignores the existence of all Town and County  
19 comprehensive plans that exist throughout the study area.

20           While the plans that are listed, are important,  
21 they do not have the level of detail that is contained in  
22 the more local, closer-to-the-situation plans, therefore,  
23 those plans should be included as part of the studies.

24           Number five, the mailing list is inadequate. The  
25 process for creating it, was shortsighted. One must know

1 about this project and ask to be put on the list, but if  
2 you're not notified of the project, how do you ask?

3 We learned about the existence of the scoping  
4 document, from someone who was endeavoring to sell their  
5 services to the Town, which came with a hefty price tag.  
6 There are only two elected officials that are listed for  
7 Maryland, and that's Senator Ben Cardin and the Governor.

8 Other members of Congress, as well as State,  
9 County, and Local elected officials who represent parts of  
10 the study area, should be on the mailing list. Likewise, no  
11 one is listed from the Maryland Department of the  
12 Environment, which seems very odd, given the nature of the  
13 work.

14 I understand that there's a process to be added  
15 to the mailing list, so I will have to have that done.

16 Number six, while the Conowingo Dam Project may  
17 not change the environmental or manmade resources, the  
18 effects of them have changed since the dam was last approved  
19 nearly 30 years ago. Furthermore, they will change during  
20 the 30-50 year lifespan of the approval being requested.

21 Therefore, an Environmental Impact Statement is  
22 needed, not merely an assessment. The Impact Statement is  
23 necessary, in order to adequately inventory the resources,  
24 study the impacts and effects they will experience over the  
25 life of this project, and adequately determine how negative

1 effects can be precluded or minimized to the greatest degree  
2 possible.

3 I do understand, after reading the scoping  
4 document, that there are certain criteria that have been  
5 established, if you want additional studies.

6 However, I'm asking that you please address these  
7 concerns that I've mentioned, as we do not want these  
8 serious issues to go unnoticed, and we don't want our areas  
9 of concerns to become a burden on the Town of Port Deposit,  
10 which is a small town that has limited resources. Thank  
11 you.

12 MR. SMITH: If there are any local plans that  
13 people are aware of it, would be helpful to let us know  
14 which ones. Exelon's pre-Application document might have  
15 had some in there already, but that would be useful.

16 Anybody else, any other comments?

17 MR. STEELMAN: I'd like to comment about the  
18 fishing. We've been unable to fish there since 2001, since  
19 they closed Conowingo Dam, and now they're coming out with  
20 this here, about 20 foot long. It's not anything in  
21 comparison to what it was.

22 It's 800 and some feet long; the new one's, like,  
23 20 feet. It's eight years since we were thinking about  
24 getting it done, now we've got FERC in and I don't know  
25 what's taking so long, and it's not what it was, in

1 comparison.

2 Two dams up, you're allowed to fish off  
3 Holtwood. It was closed and it was reopened. I was told  
4 they said they hadn't gotten it available, they didn't do  
5 anything about it, the alleviation. If they wanted to do  
6 it, I don't want the U.S. Justice Department and everything  
7 like that.

8 I've talked to a lot of people at FERC years ago,  
9 and I haven't gotten any satisfaction. I went to private  
10 mediation, and haven't had anything done there, either.

11 MR. SMITH: The only thing I can add, is that it  
12 is the licensing, the relicensing process right now, so it's  
13 a valid issue once again. We will add it to the scoping  
14 document, if it's not already in.

15 MR. STEELMAN: I have a copy of the old one, and  
16 it lists everything adopted. It's not a new one. I haven't  
17 read it all, but --

18 MR. SMITH: If you raise it as an issue, if  
19 people raise it as an issue, it's something we have to  
20 consider in our review, even if it was just reviewed a  
21 couple of years ago.

22 MR. STEELMAN: It was raised back in 2002.

23 MR. HELFRICH: I'm going to talk for awhile. Is  
24 there anybody else?

25 (No response.)

1                   MR. HELFRICH: Michael Helfrich, Loser  
2                   Susquehana River Keepers. First, if I may, if this is  
3                   appropriate, I would like to submit the U.S. Fish and  
4                   Wildlife Service's recent report on the eel sampling and on  
5                   the mussel surveys that were done last year.

6                   (Handing document to Moderator.)

7                   MR. SMITH: Just from this study here.

8                   MR. HELFRICH: The American Eel occupies a unique  
9                   niche in the estuary and fresh water habitats of the  
10                  Atlantic Coast. This report is from Steve Nikkonen and E.  
11                  Park. I don't know if they are both with U.S. Fish and  
12                  Wildlife Service, but they're two of the folks that authored  
13                  this study.

14                  Historically, American Eels were very abundant in  
15                  the East Coast streams, comprising more than 25 percent of  
16                  the total fish biomass in many locations, so, originally,  
17                  the Susquehana watershed was the biggest watershed on the  
18                  East Coast, and one out of every four pounds of fish in it,  
19                  was American Eel.

20                  This abundance has declined from its historic  
21                  levels, but remained relatively stable until the 1970s, and  
22                  this makes sense, because eels live for about 40 years, that  
23                  we know of. We don't know a lot about eels, but one of the  
24                  things is, we think they live about 40 years, at least a  
25                  few, 40 years, so it makes sense that in the 1970s, we

1 began to lose all the eels, except for some that were  
2 inadvertently passed by the Conowingo Dam.

3 More recently, fishermen, resource managers, and  
4 scientists, have noticed a further decline in abundance,  
5 from harvest and assessment data. We rarely see eels  
6 anymore.

7 There was some trucking of them in the '70s and  
8 early '80s, and, as I've said, there was an inadvertent  
9 passage by Conowingo Dam, however, when they changed -- from  
10 my understanding, when they changed the flow regimes to  
11 attract the shad, to better attract the shad, that actually  
12 deterred the eels that were coming in.

13 The Chesapeake Bay and tributaries support a  
14 large portion of the coast's eel population. Eels have  
15 essentially been extirpated or removed from the largest  
16 Chesapeake tributary and the largest river on the East Coast  
17 of the United States.

18 The Susquehanna River comprises 43 percent of the  
19 Chesapeake Bay watershed or 27,000 square miles of habitat.  
20 Construction of the Conowingo Dam in 1928, effectively  
21 closed the River to upstream migration of elvers at River  
22 Mile 10, and in the appendix to this document, there were  
23 some comments made by these scientists, that eels -- I'm  
24 sorry, this is the study of the Eastern *Elliptio Complanata*  
25 mussel research here.

1           If eels are essential to the reproduction of  
2 Eastern Elliptio for other mussel species, the implications  
3 of providing eel passage to fresh water mussel populations,  
4 could be significant.

5           I did skip a section. What happened, is, fresh  
6 water mussels, some of them, have unique hosts for their  
7 reproduction, where they actually kind of spew their babies  
8 up into the faces of host species, then they clamp onto the  
9 gills for a couple of weeks, then they fall off and are able  
10 to mature, but without those eels, they can't get past that  
11 phase.

12           Over the last few years, scientists from USGS and  
13 the U.S. Fish and Wildlife Service, have tested many, many  
14 species and the tank that has abundant hosting, abundant  
15 positive results, was the American Eel

16           Now, to the quote: "Low recruitment of Eastern  
17 Elliptio, could be linked to the lack of eel passage over  
18 the four main stem dams in the Susquehanna River.

19           If eels are essential to the reproduction of  
20 Eastern Elliptio or other fresh water mussel species, the  
21 implications of providing eel passage to fresh water mussel  
22 populations, and, in turn, ecosystem function, could be  
23 significant.

24           Similar to oysters in the Chesapeake Bay, fresh  
25 water mussels provide the service of natural filtration to

1 the rivers and streams where they live. A healthy,  
2 reproducing population of Eastern Elliptio, could remove  
3 algae, sediment, and micronutrients from billions of gallons  
4 of Susquehanna River water each day.

5 What are we concerned about the Chesapeake Bay by  
6 the removal of sediment and nutrients that are causing the  
7 algae blooms? Restoring the upstream distribution of  
8 American Eels and Eastern Elliptio, could improve the water  
9 quality of the Susquehanna River and Chesapeake Bay."

10 I think that's pretty much what I needed to quote  
11 out of there. My only further comment on the eel issue, is  
12 that, from my research, most of the dams that are equipped -  
13 - or, I should say, not equipped for passage of the eels,  
14 have a survival rate of approximately 50 percent. At least  
15 that was on the St. Lawrence Seaway, so eels need to  
16 migrate out to go and have their babies, and when they do,  
17 they are two to five feet long, and mortality rates are 50  
18 percent.

19 So, if you were above York Haven and you had to  
20 get down through the York Haven Dam, you have a 50-percent  
21 chance of survival, and the next day, another 50 percent,  
22 and, by the time you get done, you have about a 12-percent  
23 chance to get out to the Sargasso Sea and be able to  
24 reproduce.

25 It is not just the Susquehanna and the Chesapeake

1 issue; those eels were historically main food sources for  
2 the Atlantic coastal fisheries, which are also in major  
3 decline right now.

4 I just want to emphasize the importance of  
5 addressing the eel issue in this license, not only for the  
6 Susquehanna River and the Chesapeake Bay, but for the entire  
7 Atlantic fishery.

8 As I've mentioned, we have mortality rates. I  
9 didn't hear it on the tour today, but in a previous tour at  
10 Conowingo, I heard a mortality rate of approximately 15  
11 percent. That's what I heard before.

12 Actually, I think it was an 85-percent mortality  
13 rate, and I had to correct them. No, you mean 15 percent.  
14 But, imagine, once again, any kind of fish, even smaller  
15 fish, trying to get through these four dams, so, I would  
16 like definitely more studies and better understanding of  
17 the mortality involved when these fish get sucked through  
18 these rapidly-turning blades.

19 Although downstream, I know we like it, because  
20 the strikers like all that chum at the bottom, but we need  
21 to find a good balance and find out exactly what's going on  
22 there.

23 Also important to the fish species, is the amount  
24 of dissolved oxygen available. We learned today that  
25 Conowingo does provide oxygen through their turbines, to

1 make sure they have high levels of oxygen below the dam,  
2 however, the reason they have to do that, is because we have  
3 low levels above the dam.

4 So, I think it's very important that we do more  
5 studies and have more understanding of the impacts of coming  
6 into the Conowingo Pool, including the thermal pollution  
7 from the Peach Bottom nuclear plant, the effects of the  
8 Muddy Run Reservoir, as well as new facilities that are  
9 proposed along the Conowingo Pool, including what I guess  
10 now they're calling the natural gas plant that is coming in.

11 Number Four is turbidity, turbidity and erosion.  
12 We have to understand a little bit more of the erosive  
13 effects. Locally, a lot of the area is a gorge and it's  
14 rock, luckily, so we don't see much erosion there, but what  
15 are the erosive effects in the pool, in the reservoir and  
16 other streams that may be affected by the raising and  
17 lowering of the Conowingo Pool, and also downstream at  
18 Octoraro Creek, Deer Creek, and for the islands downstream,  
19 which I believe, at least one of which is a refuge island.

20 So we need to take a look at the effects on the  
21 refuge downstream.

22 I did have concerns that I have shared with  
23 Exelon, from people in the Sassafras River and other areas  
24 further down south, where debris and high levels of water,  
25 particularly if it's raining in New York and upper

1 Pennsylvania and it's not raining in Maryland, that makes  
2 the Susquehanna water level, a lot higher than the Sassafras,  
3 so, in instead of debris going down in to the Chesapeake, it  
4 just as easily flows and takes a left into the Sassafras.

5 There have been tens of thousands of dollars of  
6 damage and cleanup expenses that get incurred by the  
7 residents along the Sassafras River, and they have asked me  
8 to bring that concern to you.

9 Finally, as to the big elephant, the sediment  
10 buildup behind Conowingo Dam, the most damaging event  
11 recorded in the history of the Chesapeake Bay, is the pulse  
12 of sediment that came down the Susquehanna River in 1972.

13 At that time, the River was carrying about four  
14 years worth of sediment down the River, and when it got to  
15 the Lower Susquehanna dams -- and I focus on Conowingo,  
16 because their basin, their reservoir of sediment, is the  
17 largest, and also because all the other dams are filled up  
18 at this time.

19 So, if we're going to focus on an area to  
20 address, it seems to me that the largest slug of sediment in  
21 the area, that still has room, is the place that we need to  
22 address this. What happened, was, four years worth of  
23 sediment was coming down the River, because of Agnes, and  
24 then another eight years or 20 million tons was scoured from  
25 behind the dams, much of it from behind the Conowingo Dam.

1           That's eight to 12 years worth of sediment dumped  
2           into the Chesapeake Bay in four days, destroying the Bay  
3           grasses, destroying areas of crab habitat, making it very  
4           difficult for the oyster spat to stick to anything.

5           Oyster babies cannot stick to sediment; they need  
6           some clear rock surfaces, so we're in the situation where we  
7           now have more sediment in the Conowingo Pool, than existed  
8           in 1972 with Agnes.

9           We have these storms, and, even though they're  
10          called hundred-year storms, we've seen these storms  
11          approximately every 35 to 40 years. The last one was 1972,  
12          so we're about 37 years since we had a big one.

13          I believe that the efforts so far by Exelon, have  
14          not contributed enough towards the efforts to address this.  
15          I would like to see Exelon come to the table, either through  
16          this process or separately, to become a partner in  
17          addressing this sediment issue.

18          The other side of the sediment issue, which is --  
19          I do credit the inadvertent positive benefits of the  
20          Conowingo Dam, to the Chesapeake Bay, because, accidentally,  
21          Conowingo is the biggest best management practice in the  
22          entire Chesapeake watershed.

23          It captures two million tons of sediment; it  
24          captures, I think, 3,000 tons of phosphorous; 6,000 tons of  
25          nitrogen; it captures all this behind the Dam, but that

1 capacity to capture the sediment and the nutrients, is  
2 almost done, and will most likely be done within the period  
3 of this licensing.

4 USGS has completed its studies that show we have  
5 approximately 14 years, that is, if we have average sediment  
6 deposition, we have 14 years until that dam is completely  
7 filled with sediment, and, at that point, we will see a 250  
8 percent increase in sediment flows to the Lower Susquehanna  
9 below the dam, and also to the Chesapeake Bay.

10 Right now, Pennsylvania is being told that they  
11 have to remove 100,000 more tons of sediment. Really, it's  
12 2.1 million tons, because there's two million tons getting  
13 caught every year at the dam, so we're going to see a 250  
14 percent increase in sediment, a 30-40 percent increase in  
15 phosphorous, and a two percent increase in nitrogen, to an  
16 already extremely stressed Chesapeake Bay, where  
17 approximately 43 percent of it has been dead from those the  
18 events around those three pollutants -- the algae creation,  
19 the turbidity, all these things that have impaired the  
20 Chesapeake Bay.

21 So, while, on the one hand, I do see a positive  
22 effect from the dam, for that purpose, even if it is  
23 inadvertent, we will be losing that within approximately 13  
24 or 14 years, and this must be addressed.

25 I hope that some way, through this process or

1 outside of this process, we are able to bring Exelon in to  
2 try to figure out a solution to this serious problem,  
3 probably what some scientists have said is the most serious  
4 single problem in the Chesapeake Bay system. Thank you.

5 MR. SMITH: Thanks. Anybody else, any other  
6 comments or questions for us?

7 (Handing document to Moderator.)

8 MR. SMITH: I'll just ask one clarifying  
9 question to Exelon. The definition of run-of-river, is the  
10 time step daily? What do you guys use as your definition?  
11 It's certainly not instantaneous; it's over some longer  
12 period.

13 MS. MARSH: I couldn't tell you what the  
14 technical definition is, but we have very little. There's  
15 only about four feet of swing in the Conowingo Pond, so  
16 we're talking about a day, within a day, whatever comes in,  
17 goes out.

18 MR. SMITH: Anybody else with comments?

19 MR. CHANCE: My name is Bob Chance. I've been a  
20 resident of Berkeley for 32 years. I first want to  
21 compliment Exelon on the swimming pool, and, secondly, for  
22 the new Octoraro Trail that gives access for birding and  
23 fishing.

24 Thirdly, I watched the removal of the deadfall  
25 above the dam, and I appreciate the removal of the plastic

1 drums and 30R containers for recycling.

2 I'm an outfitter that leads kayak trips, and I  
3 would like to ask Exelon to increase our availability of  
4 spots. Right now, I've got to pay \$10 at Glen Cove. It's  
5 free at Broad Creek.

6 It's near impossible to launch from Shuresville  
7 Road, especially when the River is angry. I was a member of  
8 the Greenway, the first recycling center, and I was a  
9 science teacher, so I used the Susquehanna, 365 days. I  
10 watched the changes, I watched the sediment loads, and I'm  
11 so impressed with the water fowl and raptor increases, but  
12 I'd like Exelon to make it easier to access the pond and the  
13 lower river.

14 I know that at Lapidam, they're going to make  
15 some improvements. I would ask that at the Octoraro, make  
16 it easier for us to launch our paddle boats, either on Moore  
17 Road or where you have just created this new trail.

18 I was asked to come to this meeting tonight, by  
19 several marina owners in Perryville, because at certain  
20 times, the flotsam, the refrigerators and whatever, really  
21 affects their business.

22 I don't think you can do too awful much about  
23 that, but they asked me to address these concerns. Frankly,  
24 we don't have too many opportunities to express our opinions  
25 to you.

1                   On Conowingo Pond, we can access Conowingo Creek,  
2                   pretty successfully. I wish Michael's One was more  
3                   accessible. I do trips on Muddy Creek. I don't know the  
4                   River further north, but I remember the days when there were  
5                   ornithological symposia at the dam, Native American  
6                   history, and it seems like those opportunities have truly  
7                   diminished.

8                   We love this watershed, and we also understand  
9                   that you make the lights go on. I have worked on the  
10                  cleanups for many years, and I also led a lot of trips,  
11                  geologically, to Garrett Island, to talk about the volcano,  
12                  and now we can't touch it.

13                  I think that's a travesty. I use Robert Island  
14                  and Stead Island, but we can't talk to you again for ten or  
15                  20 years. I really want you -- I know dollars are tough  
16                  right now, but make it easier for us to launch kayak trips  
17                  and do natural history, eco adventures. Keep up the good  
18                  work with the recycling of the materials.

19                  Perhaps you're making these adjustments and these  
20                  improvements, at Shuresville, because of this  
21                  reauthorization, but please continue to work for the people  
22                  around this area, as well as for your generation of power.  
23                  Thank you.

24                  MR. BAUMMER: I have just a quick question for  
25                  Exelon. I was curious if any of the debris that you

1 collect, is recycled.

2 MS. KANKUS: The plastic?

3 MR. BAUMMER: And the natural debris, as well?

4 MS. KANKUS: We have a program for that. We have  
5 a biofuel plant and put it in the biofuel plant.

6 MR. SMITH: Does anyone else have any comments?

7 (No response.)

8 MR. SMITH: Just remember that comments on the  
9 scoping document, are due, along with the study requests, on  
10 July 10th. I think that in about two weeks, the transcripts  
11 will be available for you to see on the record.

12 If you're interested in receiving copies, please  
13 get on the mailing list. We're not allowed to put  
14 individuals on; they have to request it themselves, or you  
15 can use the e-subscription. Instructions are in the scoping  
16 document, and you can go to [www.ferc.gov](http://www.ferc.gov) and get in that  
17 way.

18 I'd like to thank everyone for coming. There is  
19 another meeting tomorrow, at 10:00 a.m., in the same  
20 location, designed primarily for agency personnel and other  
21 stakeholders, but anyone is free to attend tomorrow, as  
22 well. Thanks a lot.

23 (Whereupon, at 8:00 p.m., the Scoping Meeting was  
24 concluded.)

25