

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BEFORE THE

FEDERAL ENERGY REGULATORY COMMISSION

- - - - - x

IN THE MATTER OF: : Project No.

CONOWINGO HYDROELECTRIC PROJECT : P-405-087

- - - - - x

Darlington Fire Station
2600 Castleton Road
Darlington, MD
Friday, June 12, 2009

The above-entitled matter came on for a scoping meeting, pursuant to notice, at 10:00 a.m., John Smith, project coordinator, presiding.

P R O C E E D I N G S

(10:00 a.m.)

1
2
3 MR. SMITH: Welcome everyone, to the Federal
4 Energy Regulatory Commission's Agency Scoping Meeting for
5 the Conowingo Hydroelectric Project, No. 405, and the Muddy
6 Run Pump Storage Project, No. 2355.

7 My name is John Smith, and I'm Fish Biologist at
8 FERC and the Project Coordinator for both of these projects.
9 We have a number of other FERC Staff here today, and I'll
10 let them introduce themselves, and ask them to state what
11 resource areas they will be working on.

12 Then I think we'll just go around the table and
13 let everyone introduce themselves, that are sitting at the
14 table today.

15 MR. BAUMMER: Hi, I'm John Baummer, from FERC.
16 I'm a Fisheries Biologist, and I'll be covering aquatic
17 resources.

18 MR. KARTALIA: My name is Steve Kartalia, and I'm
19 a Fisheries Biologist with the Commission, and I'm also
20 covering fisheries and aquatic resources.

21 MR. MAKOWSKI: I'm Paul Makowski, a Civil
22 Engineer, and I'll be dealing with geology, soils, and
23 economics.

24 MR. PALSO: I'm Nick Palso. I'm a Recreation
25 Planner, and I'll be handling outdoor recreation, land use,

1 aesthetics, and cultural matters.

2 MS. DAVIDSON: I'm Samantha Davidson, an outdoor
3 recreation planner, as well, and I'll be handling
4 recreational land use and education.

5 MS. MURPHY: I'm Kristin Murphy. I'm an
6 Environmental Biologist. I'll be covering natural
7 resources.

8 MR. HOOPER: Jim Hooper, the President of the
9 Mason Dixon Trail System, which goes along the river down to
10 Havre de Grace.

11 MS. CROCKER: Julie Crocker, National Marine
12 Fisheries Service, focusing on endangered species below the
13 dam.

14 MR. MILLER: Larry Miller, U.S. Fish and
15 Wildlife Service, and the Atlantic Fisheries Resource
16 Office.

17 MR. HENDRICKS: Mike Hendricks, Pennsylvania.

18 MR. SHIELS: Andy Shiels, Pennsylvania Fish and
19 Boat.

20 MR. PEPPER: Duke Pepper, Pennsylvania
21 Department of Environmental Protection.

22 MR. SPONTAK: Jim Spontak, Pennsylvania
23 Department of Environmental Protection.

24 MR. SCHREINER: Steve Schreiner, Versar
25 Consultants, American D&R.

1 MR. SEAMAN: Sean Seaman, American D&R.

2 MR. RICHKUS: Bill Richkus, Versar.

3 MR. DEHOFF: Andrew Dehoff, Director of Planning
4 and Operations, Susquehanna River Basin Commission.

5 MR. RICHENDERFER: Richenderfer, SRBC.

6 MR. SMITH: Next slide.

7 (Slide.)

8 MR. SMITH: We have a brief presentation this
9 morning, then we'll get to questions and comments. First,
10 we'll go over the Commission's licensing process, the
11 purposes of the Scoping Meeting.

12 The last two nights, we've had Public Scoping
13 Meetings on each project. Exelon has presented an overview
14 of the project facilities, and if everyone here would like a
15 repeat of that, we can have someone do that for you.

16 (Slide.)

17 MR. SMITH: We'll also go over the issues that we
18 have identified to date, and the studies that are current
19 proposed, some important milestones, and, like I said, we'll
20 open it up for questions and comments.

21 (Slide.)

22 MR. SMITH: Hopefully, everyone is registered.
23 We have copies of our scoping document up front. We will
24 hand out Commission handouts, and a licensing process
25 handout, as well.

1 We have a Court Reporter with us. When you
2 speak, if you'd please state your name and affiliation,
3 until he gets an idea of where everyone is.

4 The meeting minutes will end up in the
5 Commission's official record in a couple of weeks. You can
6 also submit written comments, and an explanation of how to
7 do that, is on page 30 of the scoping document.

8 You can e-file them, as well, and those
9 instructions are also discussed on page 30.

10 And I'll try to explain the mailing list again.
11 We sent out the scoping document to everyone on FERC's
12 official mailing list and Exelon's distribution list. It's
13 quite possible that, even doing that, we'll miss some
14 people, so please take a look at the mailing list in the
15 back of the scoping document.

16 What you'll see, is just FERC's official list
17 there. If you want to be on that list to receive future
18 hard copies of things, you'll need to follow the
19 instructions in the scoping document, to be added to the
20 list.

21 (Slide.)

22 MR. SMITH: Exelon will be using the
23 Commission's ILP, the integrated licensing process, and they
24 filed a Notice of Intent, the pre-Application document, on
25 March 12th. Right now, we're in the scoping phase.

1 Over the next year, we'll be developing a final
2 study plan for Commission approval. At the end of the year,
3 that will be submitted to the Commission.

4 Once it's approved, they conduct the
5 environmental studies over the next one to two years, and
6 develop an Application. The Application is due by the end
7 of August, 2012.

8 Commission Staff will review the Application and
9 once it's found to be adequate, would issue a Ready for EA
10 Notice. That's the notice that solicits comments, agency
11 terms and conditions, and descriptions.

12 We would then commence our Environmental
13 Analysis. At this time, we intend to do an Environmental
14 Assessment as our NEPA document. Once the Environmental
15 Analysis has been completed, we would expect to have a
16 licensing decision prior to the expiration date of these
17 projects, which is the end of August, 2014.

18 (Slide.)

19 MR. SMITH: Under the Federal Power Act, one of
20 the responsibilities of the Commission, is to license non-
21 federal hydroelectric projects. NEPA requires that we
22 disclose the environmental effects of those licensing
23 actions, so the scoping process that we're starting here, is
24 the beginning of that identification of what the
25 environmental effects might be.

1 We issued our scoping document on May 11th. It
2 includes discussion of the existing facilities and
3 operations.

4 We have a preliminary list of resource issues we
5 have identified to date, based on the three Application
6 documents. In that document, we also request that
7 stakeholders give us or let us know important information
8 that could be used in our analysis.

9 It has a process plan, it has an appendix, which
10 is also included in Exelon's pre-Application document, and
11 we have a schedule and outline for our NEPA document in
12 there, as well.

13 (Slide.)

14 MR. SMITH: As you know, we're in the lower
15 Susquehanna River Basin. This week, we've been scoping,
16 holding site visits and scoping meetings for Muddy Run and
17 Conowingo.

18 On June 1st, we also received an MOI and PAD on
19 the York Haven Project. We would intend to hold site visits
20 and scoping meetings for York Haven, towards the end of
21 August, probably the last week of August.

22 Holtwood is currently before the Commission as an
23 amendment proceeding before the Commission right now. Part
24 of that proceeding, is, I believe they're asking for an
25 extension of their license term, so if the Commission were

1 to grant that extension, we would not expect to be analyzing
2 a relicensing at Holtwood this year.

3 If the Commission were not to grant that
4 amendment request, then we would be adding that to our list
5 of projects that we would be scoping this summer.

6 (Slide.)

7 MR. SMITH: Is anyone here interested in hearing
8 the presentation on the project, facilities, and operations,
9 the one that we've had the last two evenings?

10 VOICES: Yes.

11 MR. SMITH: Okay, can we have someone from
12 Exelon?

13 MS. MARSH: I'm Mary Helen Marsh, General Manager
14 of both Conowingo and Muddy Run. It's a great honor to have
15 that job, and to work in such a beautiful place.

16 I also wanted to say what a lot it means, to not
17 only me, but also to Exelon, that there are so many people
18 here that share in our love of the environment, the River,
19 and the Dam and everything that goes along with it.

20 It's really an amazing place and I never want to
21 take that for granted. I still get choked up sometimes on
22 my way into work.

23 (Slide.)

24 MS. MARSH: This is an aerial overview of
25 Conowingo Dam. If I can get my pointer to work, I'll have

1 some closer-up pictures of the fish lift. That's our East
2 Fish Lift there, the larger one, and then there's a smaller
3 lift on the West side of the Dam.

4 The original seven units, built at Conowingo, are
5 internal, inside these beautiful windows here that show the
6 architecture from that period of the 1920s. The engineers
7 who built the Dam, were wise enough to know that there was
8 enough water, later when electricity demand grew, that
9 there should be a plan to use that, so there are actually
10 ten sockets created for the last four units that were added
11 in the 1960s.

12 The original plan had seven 36-megawatt units,
13 constructed from 1926 to 1928, two years, start to finish,
14 which was an amazing feat when you consider there were no
15 computers, no cell phones, no Blackberrys, no e-mail.

16 In fact, as I said last night, giving the same
17 presentation, if you look at the old construction photos,
18 you can see Model Ts out in the parking lot, so it's pretty
19 neat that all that was done so long ago in such a quick
20 period of time.

21 This part of the Dam is our crest gate. We have
22 50 crest gates and two lead gates, a total of 52. The total
23 hydraulic capacity of the 11 units that we have at
24 Conowingo, is 80,000 cubic feet per second.

25 On the average, 20 days of the year, we have more

1 river flow coming to us from Mother Nature, than that, and
2 we have to open one crest gate or more, however much it
3 takes to pass the additional water.

4 We can only make electricity with the first
5 85,000. Okay.

6 (Slide.)

7 MS. MARSH: This is the watershed. John Smith, I
8 love the fact that our FERC lead is John Smith. I mentioned
9 that last night, as well, considering the history of this
10 area.

11 The watershed here is in yellow. The River
12 itself is 450 miles long. The watershed is 27,500 square
13 miles. That's huge.

14 What that means, is that any rain that falls on
15 that yellow area on this picture, that water eventually must
16 -- once it soaks its way into the ground, it eventually
17 makes its way into the Susquehanna and then comes down the
18 River and goes through the Conowingo Dam, on its way to the
19 Chesapeake Bay.

20 That's important to note, because we have a very
21 dynamic River. Our river flows vary extraordinarily.

22 I can remember when I first came to work at the
23 Dam, and you couldn't see any rocks, there was so much water
24 at the time; you couldn't see rocks. Then, later in the
25 year, these rocks appeared.

1 It was pretty neat for me to see the change in
2 the terrain, being new to the area. I'm from Mississippi,
3 by the way, as you can tell by my accent.

4 So, the river flows varied from as low as 1700,
5 which is barely enough to run one of our smallest units. We
6 do have two units that have aerating runners. All of the
7 units actually provide extra oxygen into the River, but we
8 have two that are specifically designed to put air through
9 the runners to increase the dissolved oxygen.

10 At times, we have only enough water to run one of
11 those units at its lowest capacity, to river flows over a
12 million in a couple of hurricane events that we've had.

13 Our high river flows traditionally occur in
14 Winter and Spring.

15 (Slide.)

16 MS. MARSH: This is just a picture for
17 orientation of where we are. This is Holtwood, at the upper
18 end of the Conowingo Reservoir, and the Conowingo Dam at the
19 bottom. Muddy Run is right here, closer to Holtwood.

20 That's the reservoir for it, and this little
21 canal here, is our power reservoir, which we use to actually
22 power the eight units we have at Muddy Run. I don't have a
23 presentation for Muddy Run with me today, but, basically, we
24 have eight units at Muddy Run.

25 What they do, is, they pump up the water when

1 electricity prices are low, and then we use electricity for
2 that, and then the same machines turn into generators and
3 the water is released down, approximately 400 feet of head,
4 and we make electricity it.

5 The interesting thing about that, is that it
6 takes about 30 percent more electricity to pump the water
7 up, then you make off it when it comes back down. You
8 really have to pay attention to the timing of when you
9 operate this unit.

10 (Slide.)

11 MS. MARSH: This is the inside of our plant.
12 These are the seven original units. Back in the 1920s, even
13 though you would consider this a fast-track project at
14 Exelon, we would consider a two-year project of this
15 magnitude, to be fast-tracked.

16 These units, this Dam, was built to last. In
17 fact, only last year, the last of the original 1928 machines
18 was replaced with newer technology. I think that's very
19 impressive, that the units lasted as long as they have and
20 have performed as well as they have.

21 (Slide.)

22 MS. MARSH: Here's some gee-whiz facts: We're
23 talking about the two-year construction, and the original
24 cost in 1928 dollars, was \$73 million. That's a lot of
25 money, even today, but it was a tremendous amount of money

1 back in the 1920s.

2 The Dam is nearly a mile long, and 104 feet tall.
3 There's 11 power generators totalling 572 megawatts, and
4 that's equivalent to enough electricity to power around
5 200,000 homes, to put that in perspective, and, as far as
6 length goes, it is one of the largest hydroelectric dams of
7 its kind in the country.

8 I'm going to repeat some of this, again, on this
9 slide. It's a mile long, it's operated by Exelon
10 Generation, LLC, and we are considered to be a run-of-the
11 river dam.

12 I got a question last night from Mr. Smith, about
13 what does that mean? It is not instantaneous; in other
14 words, we do have some ability to pond behind Conowingo Dam.
15 Right now, in the Summer, it's about three feet, because we
16 allow extra elevation for boating, to keep the water level
17 higher in the Summer, to allow for boating.

18 The rest of the year, we have about four feet.
19 What that means, is, a 14-mile-long pond, and what does that
20 mean as far as time goes? If we have all 11 units running
21 at their maximum capacity, that would drop the Conowingo
22 Pond level about a foot an hour, and that's assuming no
23 other water coming into the pond. So if you assume a
24 static pond and you have all 11 units running, we would go
25 from the top of our capacity, to the bottom of our capacity,

1 in four hours.

2 The point of that, is that we pretty much are
3 run-of-the-river. What comes to us, would pass through, if
4 not immediately, in the next few hours, it comes and goes
5 with us.

6 We have been providing electricity to the
7 transmission system since 1928.

8 What have I missed on here, that I haven't
9 already mentioned?

10 We do have two fish lifts, one on the east and
11 west, as I mentioned earlier, and I'll show you some closeup
12 pictures of those later.

13 (Slide.)

14 MS. MARSH: This is just a graph, a chart that
15 shows the seven original units. As I mentioned earlier,
16 they did last a very long time, before they were rebuilt, so
17 I'm proud of our American engineering from that time.

18 These are the years -- keep in mind, they all
19 went in in 1928 -- these are the years they were upgraded
20 with new turbines and new generators in 2000, and you will
21 see that capacity went up, so what's important there, is
22 that we did not use any more water, so, for each one of
23 those units, where they increased 12 megawatts, we've used
24 exactly the same amount of water, so that's a very low-
25 impact and super environmentally friendly electricity, that

1 we were able to make 12 extra megawatts from each of those
2 units, without doing anything other than just using better
3 technology.

4 Units 2 and 5 are the aeration units that provide
5 the extra oxygen to the River.

6 (Slide.)

7 MS. MARSH: These are just a couple of old
8 photographs from the original construction. The point here
9 to make, is, why was Conowingo built in the first place?

10 The coal unit technology was available at that
11 time, so why was hydro chosen? There are a couple of
12 reasons:

13 One is, the unit, if you had anything to do with
14 a coal plant, you realize that you've got to have time to
15 heat the water up, heat the boiler up and get everything
16 going, before you can actually make electricity, whereas,
17 with a hydro plant, it's almost instantaneously, although we
18 do allow a five-minute warning for the public, before we
19 start a unit, for safety reasons.

20 Those units can pretty much start and stop on a
21 dime. It's a renewable energy source, it does conserve
22 fossil fuels, and as technology comes along that increases
23 the efficiency, we're able to do that without having any
24 environmental impact.

25 Seven hundred fifty thousand tons of coal would

1 have been necessary, a year, to replace the electricity that
2 we make at Conowingo every year. Coal strikes were an issue
3 back in the early 1920s, so this avoided that issue.

4 (Slide.)

5 MS. MARSH: This is a picture of the Dam, with
6 all 50 crest gates open. If any of you have been there
7 during times of high water, it's a very impressive, awe-
8 inspiring experience to be down there when those crest
9 gates, even a couple of them, are open. It's amazing, the
10 power of the water.

11 We have 50 crest gates, two 60-ton overhead
12 cranes and one 90. We're expecting an additional new crane
13 by the end of the year. Those cranes that you see as you're
14 crossing the Dam, those are the ones we're retiring, the
15 ones that need a paint job, and we're getting the new cranes
16 in. Again, the old are original 1928 equipment, and those
17 have lasted.

18 (Slide.)

19 MS. MARSH: The new crane that we got, that is
20 installed now, has this grappling hook on it, and also an
21 additional piece of equipment that we added later, which
22 allows it to stretch an arm over the River and actually pick
23 the debris out of the River.

24 One of its functions, is, as you can imagine, as
25 debris collects in front of the unit, it keeps the water

1 from getting in and we have a more difficult time of getting
2 that clean. We clean directly, the floating debris that
3 comes to us from that 27,000 square mile watershed.

4 So far this year, we've taken out ten of the 30-
5 cubic-yard dumpsters, with floating debris from the River.

6 (Slide.)

7 MS. MARSH: As to fish restoration, again, this
8 is sort of an orientation slide. There are four fish
9 passages along the Susquehanna River. There is the northern
10 one here at York Haven, followed by Safe Harbor, Holtwood,
11 and, finally, Conowingo.

12 The 2009 passage, we just finished in the last
13 few weeks and 29,272 American Shad passed over the Conowingo
14 Dam. Although we'd like to see a much larger number, that
15 represents a significant increase over last year for
16 American Shad.

17 We also want to point out that it's not the fish
18 lift, and we can prove that, because we passed almost a
19 million total species over the Dam during this couple-month
20 season. This is really great. We are seeing an upswing in
21 the American Shad population.

22 The ten-year average is 89,000. The restoration
23 method has hatchery, stocking, trap and transport. Our West
24 Fish Lift, that's where the eggs are extracted.

25 We have Norman & Associates, also represented

1 here today, to do that for us, and that helps establish
2 American Shad upstream, and also encourages regrowth of that
3 species.

4 The goal has always been to restore American Shad
5 to the mouth of the River. We are still working towards
6 that goal.

7 (Slide.)

8 MS. MARSH: This is a picture of our West Fish
9 Lift, constructed in 1972. Again, it's used basically for
10 the biologists to study the shad and also to extract the
11 eggs for transport to the hatchery.

12 Our large East Fish Lift was constructed in 1991,
13 at a cost of \$12 million. That's the one that passed most
14 of the 900,000 fish.

15 (Slide.)

16 MS. MARSH: This is more of a cartoon type of
17 drawing, so that you can kind of see how the fish lift
18 works. The fish, this is the way they are wired. They come
19 here with attraction to flow, so they're attracted to
20 flowing water, they want to go upstream, they're wired that
21 way.

22 So the biologists at Norman have figured out
23 exactly what the right flow is to bring those fish and make
24 them want to go to the fish lift, versus anywhere else. We
25 have a regulation gauge here that we use and we crack it

1 open to that specific flow.

2 The fish are attracted into this area, and
3 basically they think they're swimming upstream and they swim
4 right over a big bucket. You need to see them. They're
5 down there doing this.

6 When it looks like there's enough of them in the
7 bucket, we drop the gate behind and lift the bucket up, and
8 that's what you see here. That's the elevator.

9 The elevator will go up with all the fish, and
10 then at the top, there's another gate that opens in to this
11 area. It's like a big swimming pool, and they open that
12 gate, they're out and continue on their way upstream.

13 It works very well. At times, Norman has
14 actually had to back off on the amount of time that they can
15 leave this open, unless the fish swim up and over the bucket
16 as long as they want. They decide when the gate comes down,
17 and, at times, there are so many fish trying to get over
18 that bucket, they've actually had to time that, because
19 there's no water left in that bucket, it works so well.
20 It's really amazing.

21 (Slide.)

22 MS. MARSH: This is a picture of an American
23 Shad.

24 (Slide.)

25 MS. MARSH: This is the swimming pool area -- not

1 the recreational swimming pool, but the one for the fish,
2 actually has a viewing window. There's a little office
3 space with a plexiglas window.

4 The fish are crowded up to that window. It's a
5 small space. They have to swim by the viewing window, where
6 they are counted, and the biologists are very good at
7 discerning which species is which and how many.

8 In fact, I'm told that in the first year of
9 operation, they were required to film the whole thing, and
10 you can imagine how boring it might be to count fish for a
11 whole summer. Imagine having to watch it on TV and do it
12 again.

13 They did that, and their accuracy was within such
14 a small percentage, that it was never required again. They
15 were just counting at really great accuracy, the number of
16 fish that go past at what time.

17 We did have a beaver, and that was the most
18 unusual thing that ever crossed, and we're not really sure
19 how it go up there, but we took good care of him.

20 So we're looking for best practices.

21 (Slide.)

22 MS. MARSH: This is a graph, year-over-year, of
23 the American Shad and how many have passed over the
24 Conowingo Dam. You can see a decline.

25 I'm anywhere near qualified to explain the

1 biological things going on with the American Shad, but what
2 I am happy about, is this upturn here between last year and
3 2009, where there is a nearly a 150-percent increase in the
4 number of American Shad, so we're very happy about that.

5 (Slide.)

6 MS. MARSH: Conowingo recreation: I'm sure many
7 of you are very familiar with everything we have to offer
8 here. There's the Bald Eagle. I'd never seen a Bald Eagle
9 outside of the zoo, until I came to work at Conowingo, and
10 this past Spring, we had an eagle watch. We actually
11 counted almost 80 of them at one time, sitting on the
12 rocks, so it's pretty unbelievable.

13 My tech manager is not here today, but I told
14 this story last night. She was driving through Fisherman's
15 Park about two years ago. She'd only been at the Dam as a
16 tech manager for about six months.

17 She was driving through the Fisherman's Park,
18 and, bam, on the front hood of her car, an eagle had dropped
19 a fish and it naturally landed on the hood of her car, so we
20 reported a near-miss, safety near-miss from that.

21 If you've seen eagles, they don't mess around.
22 This was a big fish.

23 We have striped bass, trout, and walleye.

24 This is a fishing wharf that's under
25 construction right now. It's nearly completed. It is ADA-

1 accessible. That's one of the major reasons it was
2 constructed. It's over \$4 million in expense, and it's
3 absolutely stunning, beautiful. We are working towards a
4 celebration date, just the right time to do that, but it's
5 very nearly constructed, and we're basically just going to
6 clean up and install the railings right now, on it, so look
7 for that soon. We hope to get some good feedback on fishing
8 from that new construction.

9 (Slide.)

10 MS. MARSH: Another project that was completed
11 last year, is Octoraro. We've had several public meetings
12 prior to doing this, and the fishermen indicated there was
13 some pretty good fishing on the east side of the Conowingo
14 Dam, down around the base of the Octoraro Creek.

15 But it was pretty hard to get to, so we
16 constructed a trail. I've gotten some really good response
17 from that, from the local folks. That's something we wanted
18 to highlight. That was completed last year.

19 (Slide.)

20 MS. MARSH: This is the fishermen's rainbow.
21 This is my last slide, just to try and highlight the
22 beautiful nature of the place where we live and work.

23 MR. SMITH: Thanks.

24 (Slide.)

25 MR. SMITH: In the scoping document, on Section

1 4.2 -- and I think it's pages 22 through 27 -- we have our
2 preliminary list of issues that we've identified. I guess I
3 would just ask the agencies and everyone else, to take a
4 look at that list, and if you think we've omitted some
5 important issues, let us know in your comments.

6 If you think there are some there that don't
7 apply to either one of these projects, that would be useful
8 to know, too. Steve wants to make one comment on the list.

9 MR. KARTALIA: Some of you may have noticed that
10 we made an inadvertent, very important omission. On page
11 22, we do indicate that we intend to discuss upstream and
12 downstream passage in the Susquehanna Basin, in the
13 cumulative sense.

14 But we omitted from the bulleted list under
15 Aquatic Resources, fish passage at this Dam, at Conowingo.

16 I want to make it clear that we fully intend to
17 evaluate the adequacy and effectiveness of fish passage,
18 upstream and down, at the Conowingo Dam. That just got left
19 off the list, but we intend to do that, of course.

20 MR. SMITH: Thanks. Go to the next one.

21 (Slide.)

22 MR. SMITH: At this time, Exelon, in their pre-
23 Application document, has proposed several studies. They've
24 also indicated an intent to prepare a recreation plan and a
25 shoreline management plan.

1 The bulk of this year will be in developing and
2 finalizing those study plans.

3 (Slide.)

4 MR. SMITH: As a lot of you know, the Commission
5 has some study request criteria. In addition to filing
6 comments on the scoping document, now is also the time to
7 file study requests, and it's very important that anyone
8 filing study requests, adhere to the seven criteria that can
9 be found in Section 5.9 of the Commission's Regs.

10 Basically, they are: Identify the study goals
11 and objectives, and consider any existing resource
12 management goals and the public interest; explain why the
13 existing information is not adequate to address the need of
14 the study; there must be a nexus to project operations; any
15 methodologies must be consistent with accepted practice. If
16 you know the cost, it would be a good idea to indicate what
17 you think the cost and the level of effort would be, and why
18 alternative studies would not suffice.

19 (Slide.)

20 MR. SMITH: Some important milestones: Comments
21 on the scoping document, and the study requests, are due
22 July 10th; Exelon's proposed study plan is due August 24th,
23 with study plan meetings by September 23rd.

24 Comments on the proposed study plan, are due
25 November 22nd. They would then respond to the comments and

1 file a revised study plan by December 22nd.

2 The revised study plan would be submitted to the
3 Commission and to the Office Director of the Office of
4 Energy Projects will make a study plan determination on the
5 final study plan by January 21 of next year.

6 (Slide.)

7 MR. SMITH: Before we get to the comments from
8 the stakeholders, are there any process-related-type
9 questions for the FERC Staff?

10 MR. MILLER: On the presentation today, will that
11 be available? This is Larry Miller, U.S. Fish and Wildlife
12 Service. Will those be available on the website, as part of
13 the public record?

14 MR. SMITH: They probably can be. We haven't
15 done that in the past. Let me ask Exelon. They have a
16 website. I don't see why we can't have that. Is that what
17 you meant?

18 MR. MILLER: Yes.

19 MR. SMITH: Or do you want the official FERC
20 record?

21 MR. MILLER: If they're available, I can enter
22 them into the federal FERC record.

23 MR. SMITH: We'll figure out something. Any
24 other questions for us on process?

25 (No response.)

1 MR. SMITH: I guess we'll start with, does anyone
2 from the agencies, have a prepared statement they'd like to
3 make, before we open it up for general comments?

4 MR. HOOPER: I'm not an agency, but I did prepare
5 a statement, I guess. Pass this copy this copy to the
6 reporter.

7 I'm President of the Mason-Dixon Trail System.
8 The Mason-Dixon Trail is a 193-mile long hiking trail that
9 starts in Chadd's Ford on the Brandywine River, comes down
10 through Pennsylvania, Delaware, and Maryland, crosses the
11 Susquehanna at Havre de Grace, follows the Susquehanna River
12 up river to north of Brunner Island, then crosses York
13 County through Gifford Pinchot State Park, to the
14 Appalachian Trail at Whiskey Springs.

15 The MDTS has had a long and successful
16 relationship with Exelon (formerly Philadelphia Electric).
17 The MDTS is a nonprofit organization with no paid employees,
18 incorporated in 1979. The trail has been built and is
19 maintained entirely by volunteers. The original trail was
20 connected together in 1985.

21 The area between Havre de Grace and Holtwood Dam
22 is the section under interest for this hearing, this
23 meeting. Parts of this section of the Mason-Dixon Trail are
24 on Exelon property. At this time, we have would like to
25 identify several problems that we would like Exelon to help

1 with.

2 The first is at the Conowingo Dam. The M-DTS
3 used to be off the road onto Exelon property from Route 1 to
4 Fisherman's Park. When 911 happened, we were told to move
5 the trail onto the roads. One of the roads, Shures Landing
6 Road, is very narrow and is not safe for pedestrians. We
7 asked to be allowed to move the trail back onto Exelon
8 property by a route that was farther away from the dam, but
9 were turned down. Please work with us to develop a safe
10 off-the-road route. We will build the footpath once a route
11 is agreed upon.

12 The next area we want to talk about, is from
13 Broad Creek up to Burk Road. We are on roads in this area.
14 Exelon owns the land along the River. We would like to work
15 with Exelon to gain access to this beautiful area. Again,
16 we would do the trail-building.

17 The final area is Muddy Creek in Pennsylvania.
18 Muddy Creek is a very popular recreation area. Fishermen,
19 kayakers, and hikers use the valley. The upstream end is at
20 Paper Mill Road.

21 There is no parking lot there. A local
22 landowner is having the cars towed. We need to get a
23 parking lot installed.

24 This lot would benefit hikers, but also
25 canoeists and kayakers. In addition, the trail is on about

1 six miles of road until it gets back to the Lock 13 area.
2 This road-walking includes part of Pennsylvania Route 74.

3 Exelon owns both sides of the stream, except just
4 next to Paper Mill Road. We would like to have Exelon
5 obtain a way to access the land on the north side of the
6 stream and put the trail down that side, all the way to the
7 Susquehanna River.

8 The Mason-Dixon Trail System looks forward to
9 working with Exelon to resolve these problems. We would
10 like a single point of contact to help coordinate the
11 effort. Again, the Mason-Dixon Trail System will build and
12 maintain the trail, once the issues are resolved. Thank
13 you.

14 MR. SMITH: Anyone else?

15 (No response.)

16 MR. SMITH: I think I forgot to mention one
17 thing, and that is that it was our intent, when we get all
18 of the applications from the Lower Susquehanna River Basin
19 filed, which should be 2012, we were thinking that we could
20 do a multi-project Environmental Assessment.

21 We'd like to know what people think of that idea.
22 I don't know if we're going to hear from anyone on that
23 today or not, but that's something you can comment on, as
24 well.

25 MR. SHIELDS: Can you explain that further?

1 MR. SMITH: Muddy Run and Conowingo are on the
2 same filing time, so if they came in with their PAD in March
3 and we're scoping these projects right now, but in addition
4 to Muddy Run and Conowingo, York Haven and Holtwood, if
5 Holtwood has to file for relicense, all four would be due --
6 applications would be due before us at the end of August
7 2012.

8 It was our thinking that while we can't do all
9 the prefiling activity at the same time, because they are
10 coming in at different times, we could combine the
11 applications in our environmental review, so we'd have one
12 NEPA document, as opposed to three or four.

13 MR. HOOPER: Would that include Safe Harbor?

14 MR. SMITH: The question was, does that include
15 Safe Harbor? Safe Harbor is on a different time schedule.
16 We would consider the project in our cumulative effects
17 discussion, but we wouldn't be evaluating a relicensing of
18 that project at this time.

19 MR. SHIELDS: Andy Shiels, Pennsylvania Fish and
20 Boat. Now that you've raised that, if 2012 is the timeframe
21 for that, if you accept our amendment, their process will be
22 concluded by 2012.

23 MR. SMITH: The amendment process?

24 MR. SHIELDS: Right.

25 MR. SMITH: The amendment process will be

1 completed.

2 MR. SHIELDS: So, we're going to get an EA that
3 looks at all these projects together for NEPA scoping. How
4 does that square up with Holtwood, if Holtwood is already
5 completed?

6 MR. SMITH: Assuming the Commission were to
7 approve the amendment, assuming we would tier off the
8 information on that NEPA document to look at the effects on
9 the other projects. If the Commission were not to approve
10 the amendment, we would have to relicensing at Holtwood, and
11 we would be doing meetings like this for that project, as
12 well, but there is a NEPA document already at Holtwood, so
13 we would be able to use that in our cumulative effects
14 discussion in the NEPA document for Conowingo, Muddy Run,
15 and York Haven. Does that make sense?

16 Any other thoughts from the other agencies on
17 that?

18 MR. DEHOFF: Drew Dehoff, Susquehanna River Basin
19 Commission. I'll start off by saying that our Commission's,
20 the SRBC Comprehensive Plan, speaks to a couple of important
21 things here, mainly fish passage, recreation, and also flows
22 downstream to the Chesapeake Bay.

23 Those would be the issues of most concern to us.
24 We're not convinced that sufficient information exists to
25 assess what proper flows downstream into the Bay, are, so

1 we'd be interested in that.

2 SRBC also has, along with other resource
3 agencies, their own regulatory authority over certain
4 aspects of hydroelectric operations, so we'll be conducting
5 our own review process.

6 I'd finally just add that we're very much in
7 support of the sort of comprehensive review that you're
8 proposing for the Lower Susquehanna, concerning all the
9 projects.

10 MR. SMITH: A quick followup. Do you guys do
11 your own NEPA document, or do you usually tier off the ones
12 that other people do? The latter?

13 Any other comments or questions, or from anyone
14 in the back?

15 MR. MILLER: Larry Miller, U.S. Fish and
16 Wildlife Service. We will be filing written comments to the
17 Department of Interior, but I just wanted to make note of a
18 couple of things that are particularly important to us.

19 One is, we think you should be doing a full
20 Environmental Impact Statement for these projects, not just
21 an Environmental Assessment.

22 The scope of the impacts associated with the
23 development of these projects, and the relicensing of these
24 projects and even the license amendments for Holtwood, are
25 such that it's large enough that it warrants a full

1 Environmental Impact Statement.

2 One other issue, is the spatial scope. These
3 projects, as you've already indicated, impact migratory fish
4 species, in particular, the anadromous American Shad, Blue
5 Back Herring and alewife, and the American Eel.

6 These migratory fish are coastal migratory fish.
7 They have a number of economic and ecosystems functions and
8 values that are not just located within the Susquehanna River
9 or within the Susquehanna River Basin.

10 They extend much farther than that; they extend
11 to the Chesapeake Bay, and since they're coastal migratory
12 fish that migrate all the way from the Maritime Provinces in
13 Canada, down to the Sargasso Sea off of Florida, and they
14 provide forage for other fish, the prey on other fish, they
15 provide many recreational and commercial fishery values,
16 that the scope in that case, needs to be expanded to include
17 that area.

18 The other thing was -- I can't remember. I
19 should have written it down, but we'll be providing written
20 comments.

21 MR. SMITH: I have one question on the scope. As
22 part of the upstream boundary, is there one, or is it the
23 intent to make it the whole Basin?

24 MR. MILLER: It would be the whole watershed,
25 because of the historic range of the American Eel, which

1 comprises the whole watershed, all the way up to the very
2 farthest extent.

3 MR. SHELL: Mary Shell with the Lancaster County
4 Planning Commission. We'll be submitting written comments
5 on the scoping documents, but just in response to the idea
6 of doing all the projects together, I would just ask that
7 the timeline accommodates sufficient time for review for
8 what I would assume would be a much more extensive document.

9 MR. SMITH: I would encourage you to pick up that
10 handout up at the front, if you haven't already.

11 MR. SEAMAN: Sean Seaman, Maryland Department of
12 Natural Resources. We will provide written comments,
13 however, I'd like to point out that we have been in the
14 process for a few months now, working with Exelon, having
15 meetings along with the other resource agencies, which is
16 Pennsylvania, the U.S. Fish and Wildlife Service, and the
17 Army Corps of Engineers and SRBC, so we have started this
18 process early.

19 My job within Maryland, is to coordinate. We've
20 intervened on behalf of Maryland, and my job is coordinating
21 the State's review of this project, and we've kind of got a
22 jump start on it.

23 This is not our first day meeting about this, so
24 I'd just like to point that out, but we will submit written
25 comments.

1 MR. SHIELS: Andy Shiels, Pennsylvania Fish and
2 Boat Commission. Just for the record, we will also be
3 submitting written comments.

4 As Sean said, we've been involved in this for
5 some time. We've been involved in a different project with
6 Holtwood's amendment.

7 I think we're kind of in tune with what's going
8 on with the River now, and these relicensing projects. I'm
9 very encouraged to hear that FERC is considering looking at
10 these projects in a more cumulative approach.

11 We believe, after spending a good bit of time on
12 these in the last several years, that that's what's been
13 missing for a long time, so we encourage FERC to take that
14 as far as FERC regulations, policies, and practices will
15 allow, and also to serve perhaps in a role as a collector
16 of information and perhaps gathering the kind of
17 information from each of these individual separately-owned
18 projects, and try and meld that together.

19 I think we're highly encouraged to hear that
20 today.

21 MR. SPONTAK: James Spontak, Pennsylvania
22 Department of Environmental Protection. I want to echo the
23 comments made by Maryland and by the Pennsylvania Fish
24 Commission.

25 We think we need a comprehensive look at the

1 Susquehana, because of the work we've done. Intrinsically,
2 it's tied together.

3 We will be submitting comments. Our primary
4 concern is that we want to issue the 401 certification for
5 Muddy Run, and our primary concern there, is the effects on
6 the migratory fish and what impact are you going to have on
7 the fishery and the migration.

8 MR. SMITH: I don't know if anyone is willing to
9 share them with us today, but while they're here, are there
10 any preliminary thoughts on studies that you can let us know
11 you're thinking about, or would you rather wait for the
12 written? I see nods.

13 MS. NORMAN: Janet Norman, U.S. Fish and
14 Wildlife Service. I would ask for a little clarification on
15 the studies and the economic costs of the studies.

16 You mentioned in your presentation, that if
17 people could figure out or knew what the cost of the studies
18 was -- we're not in a position to know the exact methods and
19 how much is going to be used right now. You know, can we
20 just identify what the study intent and objective would be,
21 and then the cost would be figured out at a later date?

22 MR. SMITH: If you don't have the costs, I think
23 it would at least be useful to have an idea of whether you
24 think this is a one-year study, whatever level of effort
25 information you can give, would be helpful.

1 MS. CROCKER: Julie Crocker, National Marine
2 Fisheries Service, Protected Resources Division, Northeast
3 Regional Office. We will be submitting written comments
4 also, but I just want you to know that, due to the presence
5 of the endangered short-nosed sturgeon below the Dam, and
6 the Atlantic Sturgeon, which are candidate species for
7 listing, we do believe that ESA Section 7 consultation will
8 be necessary.

9 MR. SMITH: Any other comments?

10 MR. HELFRICH: Michael Helfrich, Lower
11 Susquehanna Riverkeepers. I just had a couple of updates
12 since my comments last night on eels, on mortality,
13 turbidity, sediment, and marine management.

14 I wanted to first comment that we have about four
15 times as many eels coming up the River, as we did last year,
16 in the same amount of time, so we have already collected 800
17 eels, as opposed to 290. And they are choosing to go up the
18 River raft, instead of going up the long sliver thing that
19 we saw on the tour yesterday.

20 I would request that we do a serious review of
21 the new fishing area, which looks great and is very
22 aesthetically pleasing. Comments from the fishermen this
23 morning, were that it's a great site for birdwatchers. When
24 the Dam is not running, as it was not this morning, it
25 looked to be about 30 feet of rock between the edge of the

1 fishing area and the water. That would be pretty tough to
2 be pulling up stripers and flathead across the rocks from 30
3 feet, particularly if this the handicapped access area.

4 I think that we need a thorough review of the
5 adequacy of this new feature. I appreciate the effort
6 involved, but on the aesthetics, however, I'm not sure that
7 the purpose is going to be fulfilled with what we have.

8 All the fishermen I spoke with, said that it
9 should be a few hundred yards farther downstream. Maybe
10 there's an opportunity for a smaller area or another way to
11 do all of this, to get better access, but as it stands --
12 this morning, I took some pictures that I'll share with you
13 in my comments, but it is definitely a concern to the
14 fishermen down there.

15 A second thing that the fishermen had a concern
16 with, or there was a question about yesterday, was the
17 access to the catwalk. I've heard about 50/50 from the
18 fishermen about access to the catwalk, but a gentleman back
19 here made a very important comment about release from the
20 catwalk, the height of the catwalk to the water and the
21 stress involved in that release, and it made a lot of sense
22 to me.

23 I don't have the science to back it up, but it
24 certainly made sense that it was very stressful and
25 mortality could be increased from the drops from the

1 catwalk. So I am taking that into account, just to let you
2 know that it's about 50/50, even, on what the fishermen
3 want.

4 One thing that all the fishermen did say, is that
5 trash is a concern, and, particularly the trash from some of
6 the other fishermen, the fishermen that are not respectful
7 of the resources.

8 We would certainly be interested in some more
9 enforcement down in that area, whether it was with Exelon
10 security or some other kind of service, but there are the
11 fishermen that are there every day, that, at least they told
12 me this morning, are very concerned that all this trash is
13 there, and farther down the River, folks are very concerned
14 that this trash is washing down.

15 I have a comment, again on actually -- who am I
16 submitting this to, John? I have a couple more things to
17 submit.

18 MR. SMITH: To the Commission.

19 MR. HELFRICH: I just had a lengthy e-mail that
20 came in this morning, on the effects on businesses in the
21 Lower Susquehanna and the Chesapeake Bay, which I'd like to
22 submit. I'd also like to supplement my comments on the
23 sediment, by submitting Michael Langland's December 2008
24 report on the reservoir bathymetry. You've got 15 to 20
25 years worth of sediment capacity before the Dam reaches its

1 full capacity.

2 That is well within the scope of this license, so
3 I would like to submit that, officially.

4 Then, finally, I would like to support Mr.
5 Hooper's comments on Muddy Creek access. That would be a
6 wonderful gift to the community, if Exelon could get us
7 access there, because that has been a problem area for years
8 now, with people getting their cars towed, people calling
9 tow companies from Maryland, just to rack up charges. You
10 have to pay 250 bucks to get your car back.

11 It's been quite a controversy in the community.
12 If Exelon has the land and can support some kind of access
13 there, Stewards of the Lower Susquehanna and Susquehanna
14 Riverkeepers would definitely support that. Thank you.

15 MR. SMITH: Anyone else?

16 MR. TWOPACK: Bill Twopack, a resident of
17 Conowingo for 31 years. We would like to see kayak access
18 and possibly a boat launch over there. Maybe the boat launch
19 would only be available in high water, but it would
20 certainly be a big plus and take a lot of traffic off of
21 Shuresville Road and Port Deposit, also.

22 It's very congested in the Port Deposit area.
23 That's definitely one thing we'd like to have. We
24 appreciate that.

25 MR. SMITH: Anyone else?

1 MR. HESS: I'm Jerry Hess, and I'm a neighbor of
2 Exelon. My property runs together with theirs for a couple
3 of hundred feet.

4 I'm going to get into the recreation thing of
5 this. In 1926, the Susquehanna Power Company and
6 Philadelphia Electric Power Company, applied for a license,
7 a 50-year license with the Federal Power. It wasn't FERC
8 then; it was the Federal Power Company.

9 To get back to the situation I want to get into,
10 the Susquehanna Power Company and Philadelphia Electric Power
11 Company, had promised the people, when the Dam was built,
12 that they would have access to the catwalk. That was part
13 of the history of this situation.

14 They did, they gave us access. they gave us
15 everything that was needed. When the license came due in
16 1980, again, the 50-year license, again there was the
17 promise of access to the catwalk, fish cleaning facilities,
18 225 parking spaces, which is reduced right now, rest rooms,
19 which have been provided and then shut off for awhile, but,
20 anyhow, this is up until 9/11.

21 We go from 1980 to 9/11, with a new license. I
22 imagine Exelon is on that same license period. Is that
23 correct? Can somebody answer that? Yes? Okay.

24 MR. SMITH: Until 2014.

25 MR. HESS: Thank you. I didn't know whether they

1 gave them a special license or not, but they're on the same
2 license, okay. This is our heritage; that catwalk is our
3 heritage, and it was promised to us in 1926, when the
4 license was issued by the Federal Power Commission, which is
5 FERC now, I imagine.

6 You took it away from us on 9/11, for security
7 reasons, which I'm not sure how that works. If you lock the
8 basement in your home and put a ladder at each end and let
9 people run over your roof, I don't think that's very good
10 security, and that's what they've done with the Conowingo
11 Dam. They shut the fishermen off, and let traffic run
12 across the top of the Dam, 24 hours a day, with no
13 inspection.

14 Any kind of -- okay, we'll hash that out later.
15 The catwalk is our heritage and we want it back. There's
16 been no terrorist incident in the whole country after 9/11.
17 It's eight years and we want it back. It belongs to us, it
18 belongs to the people, and we'd like to have it back. Thank
19 you.

20 (Applause.)

21 MR. SMITH: Anyone else, while we're here?

22 MR. TWOPACK: If and when they ever decide to
23 open that catwalk again, the fish will get thrown in the net
24 and the mortality rate will increase tenfold. What we need
25 is return chutes for the fish to go down, so people don't

1 MR. HESS: Thank you very much.

2 MR. SMITH: Thanks a lot.

3 (Whereupon, at 11:05 a.m., the Scoping Meeting
4 was concluded.)

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25