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UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION
Office of Energy Projects

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York Haven Power Company, LLC : Project No. 18888-027
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YORK HAVEN PROJECT

Request for Comments on the PAD
Public Scoping Meeting

Holiday Inn Conference Center
PA Turnpike exit 242/I-83 exit 40A
New Cumberland, PA 17070
Tuesday, August 26, 2009

The public hearing, pursuant to notice, convened at 7:05
p.m. before a Staff Panel:

- JOHN SMITH, Federal Energy Regulatory Commission
- PAUL MAKOWSKI, FERC
- JOHN BAUMMER, FERC
- JEFF BROWNING, FERC
- NICHOLAS PALSO, FERC
- STEVE KARTALIA, FERC

PUBLIC COMMENT

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Michael R. Helfrich, Lower Susquehanna Riverkeeper

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P R O C E E D I N G S

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2 MR. SMITH: I'd like to welcome everyone to the
3 Federal Energy Regulatory Commission's scoping meeting for
4 the York Haven Hydroelectric Project, Project No. 1888. My
5 name is John Smith, I'm a fish biologist at FERC and the
6 Project Coordinator. And we had a number of other FERC
7 staff with us, and I'll let them introduce themselves and
8 explain what resources they'll be looking at.

9 MR. MAKOWSKI: I'm Paul Makowski, my resource
10 areas are soils, geology and project economics.

11 MR. BAUMMER: I'm John Baummer, and I'll be
12 covering aquatic resources, water quality and water
13 quantity.

14 MR. BROWNING: I'm Jeff Browning, I'll be
15 covering the terrestrial resources and the RTE species.

16 MR. PALSO: Nicholas Palso, I'll be covering
17 recreation, land use, aesthetics and cultural resources.

18 MR. KARTALIA: I'm Steve Kartalia, I'm a
19 fisheries biologist.

20 MR. SMITH: We also have some representatives
21 from York Haven Power. They can introduce themselves as
22 well.

23 MR. WEAVER: Doug Weaver, Plant Manager.

24 MR. O'DONNELL: Dennis O'Donnell, Vice-President
25 in Charge of Asset Management on these projects, which York

1 Haven is one of.

2 MR. WHITLOCK: I'm Dick Whitlock, Maintenance
3 Manager at York Haven.

4 MR. SMITH: Before we open it up for comments and
5 questions, we have a brief presentation and then York Haven
6 Power will also have a brief presentation on their project.

7 First, we'll have some introductory remarks;
8 we'll explain the best we can the licensing process at the
9 Commission. The purposes of the scoping, as I said York
10 Haven Power will give a brief presentation on their project
11 description and operations; we'll briefly go over the list
12 of issues that we've identified to date, discuss some
13 important milestones, and then we'll open it up for
14 questions and comments.

15 Has everyone signed in in the front? If they
16 haven't, if you would do that on the way out, that would be
17 great so we have an idea who all showed up. And we have a
18 court reporter with us, so that I ask when you speak if you
19 could state your name and affiliation so we can attribute
20 your comments to you in the record. You can also file
21 either written comments or electronic comments with the
22 Commission, and the scoping document explains the procedures
23 for doing that.

24 I'll also try to explain the mailing list
25 situation. We send out the scoping document to everyone

1 that was on the Commission's official mailing list as well
2 as the distribution list put together by York Haven Power.
3 However, for all future mailings from the Commission, they
4 will only go out to the people that are actually on the
5 official mailing list.

6 So take a look at the back of the scoping
7 document; if you don't see your name there or your
8 affiliation there, and you want to make sure you get
9 Commission mailings, follow the instructions in the scoping
10 document so that you can be added to the mailing list.

11 One other thing that you might want to do instead
12 of receiving hard copies is just eSubscribe to the docket.
13 And by eSubscribing, you will be notified of all issuances
14 as well as filings coming from the agencies; and the
15 directions are in the scoping document for doing that as
16 well.

17 Now, York Haven Power is using the Commission's
18 Integrated Licensing Process, which -- we refer to it as the
19 ILP. Back on June 1 they filed their Notice of Intent to
20 re-license the project, and they filed a Pre-Application
21 Document which is also known as the PAD.

22 Right now we're in the scoping phase of the
23 process, and soon we'll be entering the study plan
24 development phase; so over the next several months they will
25 be holding meetings with the stakeholders, developing their

1 environmental study plan. Once that's completed, they'll
2 submit it to the Commission for approval. After the study
3 plan has been approved, they will then commence doing their
4 environmental studies over the next one to two years.

5 At the end of that period, by September 1, 2012,
6 their final license application is due at the Commission.
7 The Commission would review the application for adequacy;
8 once we find that the application is adequate, we would
9 issue a Ready For EA notice, which says we're ready to do
10 our environmental analysis; and then that notice is the one
11 that solicits comments, terms and conditions, and
12 prescriptions from the agencies, the tribes, general public.

13 Once we get the comments in, we begin preparation
14 of our environmental document, which will be either a EA or
15 an EIS, and we'll probably make a decision on what type of
16 document once we get the application in. We have received a
17 lot of comments that people are interested in an EIS for all
18 the projects on the Lower Susquehanna, so we probably won't
19 make that decision until all those applications are in. But
20 if you care to comment on that, please do so.

21 And then once the EA or EIS is completed, we
22 would expect a licensing decision prior to the expiration of
23 the license, which would be September 1, 2014.

24 Now one of the responsibilities under the Federal
25 Power Act is FERC is in charge of licensing non-federal

1 hydroelectric projects like this one, and under the National
2 Environmental Policy Act, NEPA, we're required to disclose
3 the environmental effects of those licensing actions. So
4 this scoping process is where we start identifying what the
5 effects might be.

6 We issued a scoping document back on July 14th,
7 and the scoping document included our best description of
8 the existing environment and the existing project
9 operations. The scoping document has a preliminary list of
10 issues that we've identified at this point; it requests
11 information from stakeholders. If you guys know of
12 important plans that we've overlooked or you have some other
13 useful information, it asks that that be sent in to us.

14 In addition to those things, the scoping document
15 has the pre-filing process plan, which will be what's going
16 to occur over the next couple of years. Also has an outline
17 for the NEPA document, whether it's an EA or an EIS.

18 As you know, the project is located in the Lower
19 Susquehanna River Basin. Earlier this summer we held site
20 visits and scoping meetings at Exelon's Muddy Run project,
21 the Conowingo project, and during those meetings we
22 suggested that we would be open to doing a multi-project
23 environmental assessment of the Lower Basin. Some people
24 have said that was a good idea, so we're throwing that out
25 again at this meeting. If you would like to comment on that

1 idea, please do so.

2 At this point I'd like to have York Haven Power
3 briefly go over their project, facilities, and operation.

4 (Slide presentation.)

5 MR. WEAVER: York Haven Power Company, we're now
6 an LLC; our ownership is Olympus Power out of Morristown,
7 New Jersey. The company was formed in 1895 from some
8 business people in New York; they came down, they put the
9 power plant in. Construction began in 1901. The
10 Susquehanna River provides a natural descent along Conowingo
11 Falls. Major construction was completed in 1904, commercial
12 operation began. The entire project was done by 1907.
13 These slides are the original slides from the construction
14 that we're having reproduced.

15 Generating station today, that's an overview; you
16 see a powerhouse here. This is a picture of the headrace
17 area. Water comes out here, goes through the plant, and
18 gets discharged into the tailrace. This area right here is
19 the headrace area; that area is typically above the normal
20 height of the river except for high water conditions.

21 *[Automatic slide sequence moving too rapidly;
22 computer problem.]

23 Here are some slides showing some of the plant.
24 This is a headrace, some pictures of the headrace area from
25 different angles; and we do have a lot of boats that we use

1 as part of our project work, because our recreation area and
2 our river requirements cover about 2,000 acres of water
3 surface.

4 This is a picture of the powerhouse looking
5 north. We have seven vertical units which were installed in
6 1926. Up here we have -- this is a vertical unit here, it's
7 very similar to a modern day vertical unit except for the
8 fact that it's -- *[Automatic slide sequence moving
9 too rapidly; computer problem.]

10 The total capacity of the station is about 20
11 megawatts. The front six units, they put out about 1.5 kW.
12 The original horizontal units put out about 800 at normal,
13 and we can generate maybe 1000. So we just average the
14 overall rating at 20 megawatts.

15 Like I said, these were the seven vertical units
16 that were put in in 1926, six of them are located at the
17 south portion of the plant; and that's a picture of the
18 generator, looking down, very similar to a modern day
19 turbine that you would install. 13 of the original units
20 have open frame generators, they have two water wheels, a
21 pinning gear which rides on what we call a master gear; it
22 used to be made out of wood, maple; now is made out of
23 nylon.

24 Here's a picture of the dam work, we've taken
25 every opportunity we could to do work on the dam. This is

1 typically done in the summertime, low water, these are some
2 pictures from last year when we were working on the toe.

3 We provide a fish hatching facility. Most of the
4 agencies were at the opening ceremony on June 1, 2000.

5 That's a picture of the fish ladder. The ladder is right
6 here -- that's some fish that did pass, by the way [floating
7 images on screen] -- and that's a supplemental flow of about
8 2000 going down, to put more traction on the East River.

9 Mike, do you recognize these fish? Did they come
10 out of your --?

11 MR. HELFRICH: It's too far away for me to see.

12 MR. WEAVER: Oh, I see.

13 That's the ladder there. There are some juvenile
14 shad when we do some testing for survival study; that was I
15 think 2004, to test the friendliness of our turbines for
16 downstream passage.

17 Our project boundary goes along the shore, comes
18 up along here, and there's a lot of recreation involved. We
19 provide recreation land, public land, and it's heavily used.
20 And these are some pictures from some of the summers and the
21 boating that takes place throughout the year.

22 We have three public boat launches, and one of
23 them we operate. This is Shelley Island.

24 We also cooperate with a diving club, and every
25 summer they'll come down and they'll do some practice

1 diving, pick a portion of the river and clean up man-made
2 debris; it wouldn't be unusual to get 40-50 tires and things
3 like that. That's a picture of one of the divers right
4 there, and if you look real close, you can see some of the
5 tires that he's pulled out of the water.

6 That's our public boat launch, which is just
7 south of Middletown. Goldsboro is a public-private one.
8 There's a Fish and Boat Commission public one. There's Tri-
9 County. These are some of the pictures of some of the
10 properties that are all under license on the land that we
11 license out for usage; they're licensed out at the very
12 minimal price of about \$500 a year.

13 We have a large recreation area in the back of
14 our plant. This is the tailrace fishing, it's open to the
15 public and it's used a big portion of the year. This is a
16 portage trail which canoes come down throughout the year,
17 the portage starting there and they walk to our recreation
18 area. And over here there's a picture of where the canoes
19 and the kayaks are put back in the river.

20 Like we said, our current license expires in
21 2014, and one thing that we are doing, anyone can watch the
22 progress of our re-licensing; that's a web site that we have
23 set up that we're going to be updating that with things
24 related to our FERC licensing. We're also going to use it
25 for just a communication tool for the public for some of the

1 things that have to do with recreation, more information for
2 communicating with the public.

3 MR. SMITH: Thanks, Doug.

4 If you want the slow version [*] you can come to
5 our meeting tomorrow; hopefully we can figure it out.

6 There are a number of issues laid out in the
7 scoping document, and it would be best probably to take some
8 time to just read through those; see if you think we've
9 identified all of the issues, environmental issues,
10 developmental issues that we need to identify for our
11 analysis.

12 If you think we've missed some, let us know in
13 your comments; or if you think there are some there that
14 could be omitted let us know that also. I think you'll find
15 a list in Section 4.2 on pages 17 and 18.

16 There are a number of studies being proposed at
17 this point in time by York Haven Power; those are also
18 listed in the scoping document. And as I mentioned earlier,
19 over the next several months they will be developing their
20 study plan with input from the agencies and other
21 stakeholders.

22 One important thing to remember if you intend on
23 submitting a study request to the Commission, all study
24 requests must adhere to seven study request criteria. All
25 the studies must identify the goals and objectives, consider

1 resource management goals or any resource management plans
2 that are in place. Consider the public interest in the
3 studies that you are requesting. Make sure that there is a
4 nexus to project operations and effects. Any methodologies
5 that are recommended should be consistent with accepted
6 practice, and there must be some consideration given to the
7 level of effort and cost. If you don't know how much a
8 study might cost, at least you could tell us whether it's a
9 one-year study or a two-year study, or if it's a seasonal
10 study.

11 I think these are spelled out in Section 5.9 of
12 the regulations.

13 So important upcoming milestones. In addition to
14 commenting in general, study requests are due September 29th
15 along with comments on the scoping and comments on the pre-
16 application document. And there's an explanation of the
17 scoping document on how to file the comments with us.

18 The proposed study plan from York Haven Power is
19 due November 13th, and then a month later they would have to
20 hold study plan meetings where they explain studies that
21 they are going to do. After the meeting, the comments on
22 the proposed study plan are due February 11th, and a revised
23 study plan must be prepared by March 13th and submitted to
24 the Commission; and then we issue a determination letter on
25 what studies are approved by April 12th.

1 First, are there any questions for Commission
2 Staff on the process or any of the slides, before we open it
3 up for general comments?

4 (No response.)

5 Is anybody interested in providing any oral
6 comments this evening?

7 MR. HELFRICH: Good evening. Michael Helfrich,
8 I'm the Lower Susquehanna Riverkeeper, and I work for
9 Stewards of the Lower Susquehanna.

10 First I want to thank you for the tour today,
11 that was very nice, very educational. I guess I'll run down
12 through the list.

13 While studying the geology and/or water quality
14 parameters, I'm very interested -- and this is kind of a
15 favor, more than something that I put upon York Haven -- but
16 while you are doing this study, if you could study
17 phosphorous levels within the sediment, that might help us
18 in a larger problem that we're seeing downstream of the
19 project; and that is the severe decline of the small mouth
20 bass nurseries below the dam.

21 Less than ten years ago, this was the thriving
22 small mouth bass fishery of the area and the envy of folks
23 all over the place. We had many friends that are guides or
24 were guides in this area; they can't do it that well now
25 because of the small mouth bass decline. One of our

1 theories is that the phosphorous levels in sediment have
2 gotten so high now that it's creating a whole cycle of
3 dissolved oxygen reduction and then death of the small
4 mouth, and particularly small mouth directly below the York
5 Haven Dan.

6 So that isn't something I hope to be responsible
7 for, but if you're out there and you have the time, please
8 check the phosphorous levels.

9 I would also put forth my support for the EIS
10 study. This is a once-in-a-lifetime opportunity for all of
11 us. So since almost everybody is coming up for re-licensing
12 at the same time, it seems appropriate that we would study
13 comprehensively that on the 50-mile stretch of the
14 Susquehanna.

15 I would like to see some more mortality studies
16 so that we understand what's happening in the different
17 species and the different age categories of fish. Yes, the
18 juvenile shad are very important; however, we have other
19 species that are attempting to migrate up and down the
20 river. We see a great deal of evidence of that with
21 Conowingo studies; wall-eye, the bass migrate. So even fish
22 that you don't consider Atlantic migratory fish are trying
23 to get up and down the river, and we need to understand a
24 little bit more about how this is impacting their migration.

25 Here's another issue that -- we need to

1 understand the dam's impact to the dissolved oxygen levels
2 below the dam. It seems, I wouldn't say obvious, but it
3 certainly seems like dissolved oxygen is one of the main
4 problems; dams, lakes are known to cause dissolved oxygen to
5 be reduced, so we would like to see just -- not that I think
6 it's the cause, but we need to know what each facility, how
7 each facility is impacting this particular area.

8 I would like to comment for the record that the
9 catwalk at York Haven is usable 24 hours a day, pretty much,
10 right?

11 MR. WEAVER: Not unless there's unusual ice on
12 the roof or something that would endanger --

13 MR. HELFRICH: So York Haven has not found it a
14 problem of national security to have their catwalk open. So
15 I just wanted to comment on that for the record.

16 I'd certain appreciate the portage facilities;
17 however, the distance carrying a canoe full of equipment
18 from one end to the other is probably about 300 yards, or
19 something like that. It is quite a distance, and I guess I
20 had the silly idea over here that maybe we could have some
21 wagons or something like that that would help facilitate
22 communities from one end to the other, something dirt cheap
23 that would help the community.

24 Let me just say I'm interested in Zebra Mussels,
25 and if you are at all keeping an eye out for Zebra Mussels

1 in your fish passage. They've found them at Conowingo Dam
2 and at Muddy Run Reservoir, so it would be very helpful for
3 us to understand where the Zebra Mussels are in the whole
4 system. They're in very far north Pennsylvania, and now
5 we're finding them in Maryland and very far southern
6 Pennsylvania, but we don't know much about what's going on
7 in between there. So I'm very interested in more awareness
8 of the Zebra Mussels.

9 Also, the biggest impact that I see that this dam
10 has had over the last 100 years is the 3.5 miles of Lake
11 Frederic that was turned from ripples and falls into lake
12 habitat. This is particularly a problem for the Elliptio
13 Mussel, the most abundant -- or at least we know it was the
14 probably the most abundant mussel in the Susquehanna River;
15 it's used to ripples and little gravelly areas. So we've
16 lost 3.5 miles of habitat; that can't come back, I recognize
17 that, but this is my segue into my eel discussion.

18 If we can't recreate the habitat that was lost,
19 then some extra effort should be made in understanding the
20 place of the eel in the ecosystem, something that we've only
21 learned within the last three years, really, that the
22 American eel is the host species for the Elliptio Mussel.
23 And we believe and certainly we know that with the oysters
24 in the Chesapeake Bay that there is a high level of
25 filtration of nutrients and sediments by mussel populations.

1 Over in the Delaware River, where there are no
2 dams, the Delaware is filtered six times before it gets to
3 the Delaware Bay because of the amount of Elliptio Mussels
4 in that river. The America eel has been blocked from 20,000
5 square miles of habitat by the York Haven Dam, and we think
6 that certainly there should be more effort to look at the
7 passage of the America eel and at some point -- and I've
8 recommended this for the Conowingo Dam, and I think all dams
9 should be involved in this -- and this is in my comments
10 from what was mandated for the Santine River, I believe it
11 was, a seven to ten year study on the passage and migration
12 of the American eel.

13 We know very, very little, but we have found out
14 that it is important, missing or virtually missing species
15 in the ecosystem. Maryland DNR estimates that there were 11
16 million eel up in the Susquehanna Basin which were blocked
17 off first by York Haven, then -- safe harbor. So we've
18 blocked this habitat, we need to understand it much more, so
19 I do not think it's inappropriate to look at this long term
20 study even if it goes beyond the licensing period.

21 Thank you very much.

22 MR. SMITH: Thank you.

23 Any other comments this evening or questions for
24 us while we're here?

25 (No response.)

1 We will be having another meeting tomorrow in
2 Harrisburg at the Fish and Boat Commission, 1601 Elmerton
3 Avenue at 10 a.m., if anyone is interested in attending that
4 meeting. That's primarily designed for the resource
5 agencies, but anybody is welcome to come.

6 If there aren't any other comments, thank you
7 very much for coming.

8 (Whereupon, at 7:34 p.m., the scoping meeting
9 concluded.)

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