1 BEFORE THE
2 FEDERAL ENERGY REGULATORY COMMISSION
3
4 ----------X
5 IN THE MATTER OF:)
6 SCOPING DOCUMENT FOR)
7 KINZUA PUMPED STORAGE PROJECT)
8 (P-2280-013))
9 &)
10 SENECA PUMPED STORAGE PROJECT)
11 (P-13880-000))
12 ----------X
13 Holiday Inn
14 210 Ludlow Street
15 Warren, Pennsylvania 16365
16
17 Thursday, February 24, 2011
18
19 3:00 p.m.
20
21
22
23
24 REPORTED BY
25 CHARLES D. HOFFMAN

1 PARTICIPANTS

2

3 GAYLORD HOISINGTON, FERC

4 JOHN SMITH, FERC

5 TIM LOONEY, FERC

6 KEITH BROOK, Esquire, FERC

7 EMILY CARTER, FERC

8 JOHN MUDRE, FERC

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1 PROCEEDINGS

2 (3:08 p.m.)

3 MR. HOISINGTON: Good afternoon. Can

4 everybody see the boards? My name is Gaylord

5 Hoisington. I am here representing the Federal

6 Energy Regulatory Commission, and we will hold up

7 just a second.

8 When we say 3 o'clock, we mean 3 o'clock.

9 (Laughter)

10 My name is Gaylord Hoisington, and I am here

11 from the Federal Energy Regulatory Commission, from

12 the Office of Energy Projects. And the Office of

13 Energy Projects, we license or relicense the

14 hydroelectric projects in the United States, either

15 for a new license or as a relicense for an existing

16 project.

17 One of the first steps that we take in doing

18 this process is we have public scoping, and that's

19 why we're here today.

20 On November 24th, First Energy filed a PAD,

21 which is a preapplication document and an NOI, a

22 Notice of Intent, to prepare a new license

23 application for the Kinzua Pump Storage

24 Hydroelectric Project, 2280.

25 Then on November 30th, the Seneca Nation filed

1 a competing NOI and PAD, which is called the Seneca
2 Pump Storage Project, which FERC gave the number of
3 13889.
4 Because the two applications or the two PADs
5 are similar in nature, the issues with relicensing
6 the Kinzua Project should run kind of parallel,
7 regardless of where the new license would go. So we
8 decided at that time that we would process the
9 preapplication documents in the process of
10 relicensing as side-by-side, together. So our
11 scoping meetings, which we had two yesterday and
12 another one today, and most of the meetings, the
13 additional study meetings and so on, we'll be doing
14 both together as we move through this process.
15 Now, myself and the staff here today will be
16 responsible for processing the two proposals and
17 evaluating the effects to the resources by the
18 continued operation of the projects, regardless of
19 which application it is, because these applications
20 will be processed together, up until the final
21 order, that we will award one to one or the other.
22 Also with us today are President Porter,
23 Senator Maziarz, and representatives of the Seneca
24 Nation and representatives of First Energy. At this
25 time, I'd like to have First Energy just stand up

1 and tell us who you are, and your role in this. Go
2 ahead.
3 MR. MAHER: Jay Maher, I'm with
4 Kleinschmidt and Associates, and we are consultants
5 to First Energy. And with me is Laura Cowan, also
6 with Kleinschmidt Associates and working on the
7 relicensing for First Energy.
8 MR. HOISINGTON: We also have
9 representatives here for the nations and we would
10 like to have them stand up and tell us who they are,
11 and their description of what they are doing in this
12 proposal. Just a moment. If the court reporter, no
13 you can stand up. If the court reporter can hear
14 them, and everybody in the crowd can hear them,
15 we'll just keep the mic right here for now. And
16 later when people get to speak, we'll make sure you
17 get a mic or you can come down here and speak from
18 here. Whatever you would prefer.
19 Can you hear okay?
20 COURT REPORTER: (Nods affirmatively)
21 MR. HOISINGTON: Wendy, you can stand up
22 now.
23 MS. HUFF: The Kinzua Dam Relicensing
24 Commissioners are here, my name is Wendy Huff.
25 MS. BOWEN: My name is Pamela Bowen.

1 MS. REDEYE: Lana Redeye.
2 MS. BOWEN: Rebecca Bowen.
3 MR. BOVA: David Bova.
4 MR. HOISINGTON: Say that again, a little
5 louder?
6 MR. BOVA: My name is David Bova.
7 MR. HOISINGTON: Okay David, thank you.
8 Anyone else?
9 MS. HUFF: We have some members of the
10 Seneca Nation Tribal Council and the executives
11 here.
12 MS. BOVA: Arlene Bova, tribal counselor.
13 MS. MILLER: Darlene Miller, tribal
14 counselor.
15 MR. GATES: Todd Gates, counselor.
16 MS. KENNEDY: Diane Kennedy, elected
17 clerk.
18 MR. HOISINGTON: Did you get all of that?
19 COURT REPORTER: Yes, sir.
20 MR. HOISINGTON: Anyone else?
21 MR. KIMELBERG: Dave Kimelburg, CEO,
22 Seneca Holdings.
23 MR. HOISINGTON: Okay, we'll hold up just
24 for a second. Do you want to go sit down?
25 MR. MESGHINNA: My name is Wold Mesghinna,

1 engineer for the Seneca Nation.
2 MR. HOISINGTON: Did everyone hear that?
3 Anyone else? Stand up.
4 MR. MILLER: William Miller, Fish and
5 Wildlife Department, and Fisheries Manager, Shane
6 Titus.
7 MR. LANINI: Jordan Lanini, engineering
8 consultant. Is that good?
9 MR. HOISINGTON: Okay, that's good. It's
10 important to say your name clearly and loudly so
11 that the court reporter can get this, because all of
12 this is going on the official record, and there will
13 be a transcript for it that will be put online. Go
14 ahead.
15 MS. O'LAUGHLIN: Shannon Keller
16 O'Laughlin, special counsel for the Kinzua Dam
17 Relicensing Commission.
18 MS. STROHMEYER: Vicky Strohmeyer, counsel
19 for the Seneca Nation.
20 COURT REPORTER: That, you are going to
21 have to repeat.
22 MR. HOISINGTON: Vicky, can you speak up a
23 little bit?
24 MS. STROHMEYER: Vicky Strohmeyer, counsel
25 for the Seneca Nation.

MR. JENSEN: Tom Jensen, outside counsel with the Seneca Nation.

MR. HOISINGTON: Okay, is that everybody?

MR. WHITNEY: John Whitney, USDA, Natural Resources Conservation Service.

MR. HOISINGTON: Anyone else? I'm sorry, any state or federal agency representatives here? Please stand up and be recognized. I know there's a couple that I haven't heard from yet.

MR. DRISCOLL: Bob Driscoll, office of Senator Catharine Young.

MR. O'CONNEL: Pete O'Connel, U.S. Army program engineer, Pittsburgh District, Northern Area Manager.

MR. PARKER: Tracy Parker, Allegheny National Forest.

MR. MCKEOWN: Paul McKeown, New York State Environmental Conservation.

MR. WHITCOMB: Brad Whitcomb, Office of Parks and Recreation, New York State.

MR. CLANCEY: Clay Clancey, New York State DEC Fisheries.

MS. ABERS: Crystal Abers, Director of Economic Development Planning and Tourism, Cattaraugus County.

1 MR. ROBDEAU: I'm Alan Robdeau, the State
2 University of New York in Buffalo.
3 MR. HOISINGTON: Thank you. Anyone else?
4 MR. BLUECLOUD: Keith Bluecloud, Bureau of
5 Indian Affairs, Eastern Regional Office, Nashville,
6 Tennessee.
7 MR. HOISINGTON: Anyone else? Okay. And
8 at this time I would like the FERC staff to stand
9 up, and starting with John and tell us who you are
10 and what you're going to do.
11 MR. SMITH: My name is John Smith, and I'm
12 the Chief of the Mid-Atlantic Branch of the Division
13 of Hydropower Licensing at FERC.
14 MS. CARTER: I'm Emily Carter, and I am an
15 environmental biologist at the Mid-Atlantic branch.
16 MR. BROOKS: Good afternoon, I'm Keith
17 Brooks. I'm an attorney for the general counsel at
18 FERC.
19 MR. MUDRE: John Mudre, with the
20 Hydropower Licensing, and a fisheries biologist.
21 MR. LOONEY: Yes, my name is Tim Looney.
22 I'm an engineer in the Mid-Atlantic Branch of
23 Hydropower Licensing.
24 MR. HOISINGTON: Thank you. Before we
25 open the meeting for your comments, we'll have a

1 brief presentation. We'll discuss the project
2 overview. We'll discuss the purpose of scoping.
3 We'll go through a short presentation from Tim on
4 the project description. We'll have a short
5 discussion on the discussion of issues and studies,
6 and then we'll talk about the dates for the
7 milestones that, during this ILP process, that we
8 strive to stay within that time frame. And then,
9 we'll open it up for questions and comments.
10 We're going to move through this presentation
11 rather quickly because we really are more interested
12 in what you have to say than what we have to say.
13 You can read everything we have to say in the
14 scoping document, which is down here. And if there
15 aren't enough, we've go more where those were or
16 came from. I brought a whole box of them in here,
17 so there's plenty for everyone to have one.
18 So I think at this time, we'll just move right in to
19 Tim's presentation.
20 MR. LOONEY: The Kinzua Pump Storage
21 Project is located on the Allegheny River in Warren
22 County, Pennsylvania. The project is currently
23 licensed to First Energy Generation Company. The
24 project pumps water for the Allegheny Reservoir
25 formed by the United States Army Corps of Engineers,

1 Kinzua Dam to an upper reservoir. Water from the
2 upper reservoir is released to the powerhouse
3 located downstream of Kinzua Dam. After the water
4 has been used for generation, it can either be
5 returned to the Allegheny Reservoir or released to
6 the Allegheny River. All generation uses water
7 taken from the Allegheny Reservoir. The project is
8 located on lands administered by the United States
9 Army Corps of Engineers and the United States Forest
10 Service. The upper reservoir is located on Forest
11 Service lands in the Allegheny National Forest. The
12 power house is located on lands administered by the
13 Corps of Engineers.
14 The general location of the project is shown on
15 Figure 1. This is actually out of the scoping
16 document, Figure 1. The layout of the powerhouse is
17 shown on Figure 3 of the scoping document. The
18 project has three turbine generating units with a
19 total capacity of 451.8 total gigawatts and
20 generates approximately 695 gigawatt hours of energy
21 per year. All hydroelectric generation at the
22 project uses water taken from the Allegheny
23 Reservoir.
24 The powerhouse contains two reversible pump
25 turbines, Units 1 and 2, and one conventional

1 turbine, labeled on the drawing, Unit 3.
2 When filling the upper reservoir, one or both
3 of the reversible turbines, Units 1 and 2, pump
4 water from the Allegheny Reservoir to the upper
5 reservoir. When the project is in the generating
6 mode, Unit 1 generates power with water being
7 released from the upper reservoir. Flow from Unit 1
8 is sent back to the Allegheny Reservoir.
9 Unit 2 generates power with water being
10 released from the upper reservoir. The flow from
11 Unit 2 can be sent back into the Allegheny Reservoir
12 or downstream of Kinzua Dam, to the Allegheny River.
13 Unit 3, the conventional unit, generates
14 power with water being released from the upper
15 reservoir. Flow from Unit 3 can only be released to
16 the Allegheny River downstream of Kinzua Dam. The
17 project has a minimum flow release of 500 CFS, which
18 is the scheduled outflow from Unit 3.
19 The existing project boundary is shown on
20 Figures 1 and 2 of the scoping document. In this
21 drawing, it's the yellow line around reservoir, the
22 upper reservoir continues down to the yellow line.
23 The current licensed boundary includes the
24 upper reservoir, water conduits, intake in the
25 Allegheny Reservoir, controlling facilities, the

1 powerhouse, tail race to the Allegheny River, and
2 transmission lines to the Glade substation. At this
3 time, First Energy Generation is not proposing any
4 modifications to the project's infrastructure,
5 project boundaries or modifying the project
6 operation.
7 The Seneca Nation does not propose any changes
8 to the project facilities or the project operation.
9 The Seneca Nation's proposed project boundary would
10 include the area defined by the original FERC
11 project boundary as well as areas encompassed by the
12 Allegheny Reservoir at maximum storage elevation,
13 corresponding to 1,365 feet mean sea level and all
14 transmission lines connecting the project to the
15 regional transmission grid.
16 MR. HOISINGTON: Okay, thank you, Tim.
17 Now following this, we'll go into making sure that
18 everyone here has filled out and signed a card, so
19 that we know who came and who's here, and we'll go
20 through the-
21 (WHEREUPON, there was a brief, off the record
22 interruption.)
23 MR. HOISINGTON: I'm assuming from what
24 just went on at the door that everyone has had a
25 chance to sign in. And if you didn't, make sure

1 that you do. It's important for everyone to sign
2 in, and if you need an extra copy or a copy of the
3 scoping document, please feel free to get it again.
4 We have a court reporter here today, and what we
5 plan to do is go through the rest of this
6 presentation, and then we're going to try to get in
7 to everyone being able to speak as quickly as we can
8 and not hold back, because we are more interested in
9 what you have to say then what we have, as I said.
10 Now, you can get a copy of these minutes of all the
11 meetings, the ones yesterday, the ones today, will
12 be available at FERC and the address for finding
13 where you can get those copies and to get on the
14 mailing list are page 19 of the scoping document.
15 You can also file comments electronically, and
16 there is also information on page 24, with the
17 address and how to file electronically.
18 Also, when we mail out the scoping document, we
19 mail out the document to everyone that was contacted
20 by the Seneca Nation and by First Energy to develop
21 a mailing list to mail out the first scoping
22 document. We also use the list of contacts that
23 both applicants provided when they mailed that or
24 filed that filing, and FERC starts a mailing list.
25 And that mailing list starts off with the names and

1 addresses of people that the two applicants put on
2 there.
3 Now, if you received a scoping document or you
4 want to receive a scoping document from this time on
5 - I take that back - not if you did, but if you want
6 to in the future, you need to file at FERC to let
7 them know that you want to receive all the documents
8 following this process through, by mailing to FERC
9 the information that they need, or by going online
10 and e filing, so that you can read those documents
11 online.
12 The court reporter, as I said, is taking all of
13 this down. There will be a transcript online that
14 you can read all of these comments and everyone's
15 comments online, so that you know exactly what went
16 on. So please, if you want to be included in all of
17 this, please follow the directions that are inside
18 the scoping document. And if you have any
19 questions, any one of us would be glad to help you
20 after the meeting. If you don't understand
21 something that's in the document, there's also a
22 telephone number on who you can call that will help
23 you in the scoping document get registered with the
24 e filing. And also, we encourage the written
25 comments.

1 Now this is an abbreviated slide of the process
2 that we'll be going through. The first part of that
3 slide that you see is an NOI and PAD, which is the
4 Notice of Intent and the preapplication document.
5 Now we're into the scoping process, and the process
6 plan, and then the study plan, and then studies, the
7 application development.
8 We had two filing dates for this project, one
9 on November 24th, 2010 and one on November 30th,
10 2010. This integrated licensing process is set up
11 on milestones with certain due dates, and in this
12 case, we chose the second filing date because if we
13 didn't, we would have been receiving one and then
14 receiving the other, and then receiving one and then
15 receiving the other. So we combined them, and we're
16 processing them together.
17 Once we have the study plan, First Energy and
18 Seneca Nation will conduct the studies and begin
19 developing a license application. There will be a
20 couple of opportunities to review and modify and
21 improve the study plan, if necessary.
22 The final license application must be filed and
23 developed by November 30th, 2013. At this time, the
24 staff will review the application and if it is
25 complete, issue a Notice of Ready for Environmental

1 Analysis, requesting terms and conditions and
2 interventions. At that time, we will start the
3 environmental analysis of the two license
4 applications. The existing license for the Kinzua
5 Dam or the Kinzua Pump Storage Project expires on
6 November 20, '15. At this time, I'd like John to
7 talk about the additional studies or the study
8 requests.
9 MR. SMITH: That's fine. Yeah, one of the
10 most important steps that we do in the first year of
11 this process is identify the necessary environmental
12 studies that need to be done in support of the two
13 applications. And on pages 16 and 17 of our scoping
14 document, we have the studies that are currently
15 proposed by First Energy and Seneca Nation. They
16 have each proposed a different suite of studies.
17 What we've got on the slide is just kind of lumped
18 them into various categories. They all fall into
19 these five categories. Project operation, water
20 resources, fish and aquatic resources, botanical
21 resources and cultural resources.
22 Almost over the next year, we'll be receiving
23 input from the various stakeholders on if there are
24 any additional studies that need to be looked at.
25 The FERC staff is included as a stakeholder, so we

1 will be commenting, and we'll be proposing the
2 studies and information needs that we think are
3 important as well.
4 And this is one of the most important slides
5 that we have up there for any of you that plan on
6 recommending studies and that includes the FERC
7 staff as well. We've got to stick to these study
8 request criteria, which are spelled out in our
9 regulations.
10 For any study that's recommended, make sure you
11 identify the study goals and objectives, you
12 consider existing resource management goals and take
13 into account the public interest and whether there
14 is any existing information on the topic that you
15 are interested in, whether there needs to be a study
16 or whether it's just a collection of existing
17 information that would do the job.
18 A real important bullet out there is that there
19 must be a nexus to project operations and effects.
20 That's one of the things we look at when we evaluate
21 the appropriateness of a study. Another one, is the
22 methodology consistent with accepted practice. So,
23 please explain what methodology you would like to be
24 used for any particular study that you recommend.
25 We also like to see some consideration given to the

1 level of effort and the cost. So if you happen to
2 know what these types of studies cost, please put
3 that in your study request. If you don't know the
4 cost, at least give us some idea of what the level
5 of effort is. Is it a couple of staff members' time
6 for a month? Is it a full season or a multi-season
7 study? Those are the kinds of things to put in your
8 study requests.
9 MR. HOISINGTON: Okay, thank you John. We
10 use the scoping process to evaluate the
11 environmental effects of the projects. The scoping
12 document issued in January includes a brief
13 description of what we feel the environmental
14 resource issues will be. And as you can see on the
15 board, we'll have a discussion and look for
16 information on geology and soils, aquatic resources,
17 terrestrial resources, rare, threatened and
18 endangered species, recreational resources, land use
19 aesthetics, cultural resources, and developmental
20 resources. All of these resources will be looked at
21 and developed fully, with respect to what the
22 comments are we receive on scoping and other
23 comments we receive from public or anyone else, the
24 agencies, anyone. Those resources will be dealt
25 according to the environmental document.

1 As John already explained about the study
2 process, hopefully, the study process . . . the
3 studies that we use will help to answer those
4 particular environmental resource issues. And
5 John already covered the study proposals, but those
6 five bullets right there, project operations, water
7 resources, fish and aquatic resources, botanical
8 resources and culture resources are the resources
9 that have been previously outlined by First Energy
10 and Seneca Nation, of studies that they are going to
11 look at in the areas of developing their
12 application. Staff may come up with some more
13 studies that will also fall under these five
14 bullets, and those will be developed in helping to
15 develop the environmental analysis document.
16 Now these are important dates during this
17 process. The comments from this scoping meeting and
18 any other comments received right now. Although you
19 can file comments any time during the process,
20 these are dates that we would like to see as much
21 information from people as we can, when these things
22 are planned. The study request date is March 30th,
23 and then we'll have a proposed study plan due date,
24 which will be when First Energy and the Seneca
25 Nation will send in their proposed study plan.

1 Then, we'll have a meeting in June. We'll put it
2 out and have comments that will be due in August.
3 We'll revise the study plan, and we'll go in to the
4 first year of study plan determination and the
5 studies, and when they will be performed.
6 Also later this summer, with weather
7 permitting, we plan to come up and do another
8 scoping visit at least, and we'll be going around
9 the reservoir and looking at facilities that we've
10 been unable to look at because of the weather right
11 now.
12 In addition to the meetings, well, I guess we
13 covered that. So, I guess after that, the only
14 other thing I want to really emphasize here is that
15 please file your comments, and file your concerns
16 and address them with your filings to the
17 commission. This is all public record here, but
18 also when we ask for the comments, it gives us
19 something to look back on to know whether we've
20 addressed those things in the upcoming documents.
21 So I guess at this time, if none of the staff
22 has anything more, we are lucky enough to have
23 President Porter here today and Senator Mazairz, and
24 we'll hear from President Porter first.
25 PRESIDENT PORTER: Nyaweh Sgeno. Thank

1 you all for being here today. Welcome to the
2 Allegheny Territory of the Seneca Nation. We are
3 very honored that you were able to have the scoping
4 meeting here today as well as in Warren yesterday.
5 On behalf of our nation, I would very much like to
6 extend greetings to you this afternoon.
7 We nave a number of different speakers who
8 would like to share different perspectives on the
9 project. To begin, we have some students who are
10 here, and they would like to, as I understand it,
11 yes, okay, share with us an opening gift. So I am
12 going to turn it over to Rachel and her teacher, for
13 what I understand to be a song.
14 SPEAKER: Good afternoon. We are the
15 Salamanca Central School Model United Nations
16 Permanent Forum on Indigenous Issues, UNPFII.
17 We are here to present our comments on the
18 Kinzua Dam Pumped Storage Project, P-2280-013, and
19 the Seneca Pumped Storage Project, P-13889-000.
20 We recently held a full day meeting to discuss
21 our concerns about the Pumped Storage Project and
22 the federal relicensing application. Before we
23 state our concerns, we want to share with the
24 community, a Seneca Song, written before our memory
25 and handed down to each generation. This song tells

1 what the impact the Kinzua Dam and reservoir has on
2 the daily life of the Seneca people.
3 Gagwegoh wae noh
4 Naeh, deyoyadowehdo'
5 Gaweh digwa hehewe
6 Oneh toha:h
7 Dewondoindzo:kde'
8 Ga:weh He'edwe'
9 Ga:weh he':edwe' ewodokde'
10 Tadesyonyano'
11 Dadesaodisho' he'gayeh
12 The words to that song translate to, "We are
13 thinking, we don't know where, I don't know, are we
14 going to go? Now, it is close, the Earth will end.
15 Where will we go, where will we go when the time
16 comes? They told about it, to be ready, get ready
17 when it comes."
18 The Model UNPFII group supports the relicensing
19 application of the Seneca Nation to operate the
20 pumped storage project for the following reasons:
21 Water rights; The land and resources belong to
22 the Seneca people, as stated in the Cananadaigua
23 treaty of 1794.
24 Expanding Property Boundary; The Seneca people
25 would regain some justice for the loss of homes,

1 graves, plants, animals, medicine, 10,000 acres of
2 river valley, along with the mental stress of being
3 removed from homes and the loss of community.
4 Further damage can be stopped if we include all
5 Seneca lands below elevation 1365 feet.
6 Seneca Nation was left out of the decision
7 making process. The Seneca Nation was not provided
8 an opportunity to provide free, prior informed
9 consent, as stated in Article 32 of the United
10 Nations Declaration on the Rights of Indigenous
11 People. The Seneca Nation did not have access to
12 the decision or planning of a hydroelectric plant
13 adjacent to the Kinzua Dam.
14 The Model UNPFII of Salamanca City Central
15 School District will be filing formal comments in an
16 electronic format prior to March 30, 2011.
17 Thank you for you time and allowing us to make
18 comments on this relicensing process.
19 PRESIDENT PORTER: Oh yeah, that was
20 wonderful.
21 In many ways, it's hard to top that, you know,
22 in terms of the voice of our young people and the
23 ancestors that they carry forth with them. It is
24 important to acknowledge the history of the place in
25 which we are located. I shared yesterday with the

1 commission and I would like to do that again just
2 briefly, the importance of our history. Because a
3 promise was made to us by George Washington that we
4 would retain the lands that we are now occupying,
5 and that it would be a perpetual promise that we
6 retain the free use and enjoyment of these lands.
7 The United States violated that promise when the dam
8 was constructed akin to 50 years ago and caused
9 considerable disruption in the lives of our people.
10 The nation has suffered profound social,
11 cultural, economic and other harms as a result of
12 the taking of our lands to construct and maintain
13 the Kinzua Dam and Reservoir. The Pump Storage
14 Project uses the Seneca Nation's treaty reserved
15 lands and waters everyday for it's operations, but
16 the current licensee has no rights, no rights at all
17 to those sovereign assets. They been taken from us
18 unlawfully. The Seneca Nation bears all the burdens
19 of this project but receives none of the benefits.
20 Even today, the disrespect continues, in that
21 the current licensee, First Energy, has not even
22 bothered to send a corporate or legal representative
23 to be with us today, in our territory. This week
24 we've had two meetings in Warren, Pennsylvania with
25 FERC to address our concerns and this meeting today,

1 for purposes of again hearing our concerns more
2 directly from our people who were unable to travel
3 to Warren yesterday.
4 We thank you for acknowledging that, allowing
5 us to have the meeting here today, for that purpose.
6 This is our first opportunity, after these many long
7 years, as the stewards of our environment to speak
8 out on behalf of the issues of concerns for our
9 people, our lands, our waters, our animals and the
10 fishes that are so greatly impacted everyday by the
11 reservoir, the dam and the Pump Storage Project.
12 We are proposing more than 20 studies to assure
13 that these environmental concerns are addressed.
14 The Seneca Nation's plan for the power project in
15 the long run is to better manage these resources of
16 our nation, now and into the future. The current
17 licensee, First Energy, is an out-of-state
18 corporation that does nothing to give back to this
19 region economically, despite making profits from
20 these resources for almost 50 years. But the Nation
21 and the state government, state of New York, have
22 been burdened for the last 50 years by the
23 construction of the Kinzua Dam on the Allegheny
24 Reservoir, while downstream communities and an out
25 of state corporation have enjoyed the benefits.

1 Should the Seneca Nation obtain the licenses,
2 we are fully committed to returning economic
3 benefits to the region in investment in development.
4 When the Seneca Nation runs the hydro facility, the
5 region will share the returns and the benefits, so
6 that we all can thrive. As the original stewards,
7 I'm absolutely confident that were we to be awarded
8 the license, we would be able to provide a degree of
9 balanced, natural integration of this facility into
10 our natural world in a way that no other could. And
11 because at the end of the day, what you are
12 responsible for doing is deciding who is going to be
13 holding this public trust, this public asset.
14 We ask of you, just as we did 217 years ago
15 when we entered into a treaty relationship with your
16 nation, to trust us. You trusted us then, at a time
17 in which your nation was weak and needed our help to
18 survive and to go forward. You trusted us then, and
19 we are asking you to trust us now, that we can take
20 on this responsibility. We are fully capable of
21 doing it. What we haven't learned right now, we
22 will learn tomorrow. And at the end of the day, you
23 will find in the future, as we move forward, the
24 Seneca Nation and the United States can stand
25 together for the benefit of our people and for your

1 people as well. So with that, I want to thank you
2 for these opening remarks. I'd like to turn this
3 over to Senator George Maziarz.
4 SENATOR MAZIARZ: Thank you very much,
5 President Porter, and good afternoon everyone.
6 Thank you for the opportunity to participate in this
7 scoping process. I speak today as an elected
8 official who represents a district in Western New
9 York and more importantly as Chairman of the New
10 York State Senate Energy Committee. I am joined in
11 my remarks by two of my colleagues. Senator
12 Catharine Young, who represents a district in the
13 southwestern portion of New York, who has a
14 representative here. Senator Young is extremely
15 interested, and made it her mission to create
16 economic development and good paying jobs for young
17 people, like these people that we saw here, in
18 Southwestern New York State.
19 I'm also going to be submitting comments by
20 another colleague of mine, Senator Mark Grisanti,
21 who chairs the New York State Senate Environmental
22 Conservation Committee. I know that your goals are
23 to ensure that all pertinent issues are identified
24 and analyzed so that the environmental assessment of
25 this project is thorough and balanced, and we share

1 your goals.
2 I begin by noting, for the record, that FERC,
3 the Federal Energy Regulatory Commission has never
4 adequately considered the significant environmental
5 and cultural impact that the Seneca Pump Storage
6 Hydro Plan has had, and will continue to have, on
7 Seneca territory and in Western New York.
8 It is critical that FERC use this relicensing
9 process to consider these impacts. This over 200
10 year history that President Porter pointed out. And
11 to give due consideration to alternatives to simply
12 extending the current license. The Allegheny River
13 Watershed, which ultimately provides the water for
14 the power generation, includes 1,920 square miles of
15 Seneca Nation territory in Southwestern New York
16 State that are directly impacted by this project.
17 This area includes 4,086 miles of freshwater rivers
18 and streams and 23 significant freshwater lakes,
19 ponds and reservoirs, totaling 26,335 acres.
20 Hydroelectric power has played an important
21 part in the development of this nation's electric
22 power industry, but it should be managed in a manner
23 to benefit all citizens. We cannot squander
24 valuable and renewable energy assets such as
25 hydroelectric power.

1 Hydroelectric resources can be a source of
2 economic development. In my home county of Niagara,
3 we are using the economic power of hydroelectric
4 energy to lure significant capital investments from
5 the Niagara Generating Station at Niagara Falls.
6 The people of Southwestern New York and the Seneca
7 Nation must be assured that this project to be
8 relicensed in a manner that will avoid or minimize
9 negative impacts, while maximizing the project's
10 benefits to the region's environment, economy and
11 people. I support a feasibility study on
12 implementing conventional hydropower generation at
13 the Kinzua Dam. Although a separate project, the
14 two would utilize the same resources and water
15 rights. Given the significant effects of the
16 creation of conventional hydropower, this location
17 currently represents a missed opportunity. A
18 conventional generation study could determine if the
19 people who live around the Allegheny Reservoir could
20 directly benefit from this project.
21 Additionally, I note that, very important, a
22 full cultural resource assessment was never
23 undertaken before the construction of the Kinzua
24 Dam. The reservoir that resulted, flooded 10,000
25 acres of Seneca land, displacing more than 800

1 Senecas and flooding burial grounds. Cultural and
2 archaeological resources may remain, yet to be
3 discovered. As a condition of relicensing this
4 project, FERC should require a study focusing on and
5 assessing the cultural and archaeological resources
6 in this area.
7 Finally, and again very importantly, I strongly
8 suggest that FERC consider and approve the
9 application by the Seneca Nation subsidiary, Seneca
10 Energy, as a potential licensee for this facility.
11 Seneca Energy's mission is one of environmental
12 sustainability balanced with economic growth. I
13 believe that the Seneca Nation, which has occupied
14 this land for thousands of years and focuses on the
15 long-term well-being of the Seneca people and the
16 vitality of this region, should have the opportunity
17 to be considered as operators of this hydroelectric
18 power facility for the next 50 years and beyond.
19 Thank you much very much for this opportunity
20 to be here. I represent the largest producer of
21 hydroelectricity in the Northeastern United States
22 at Niagara. God made it all possible, but we can
23 make jobs and economic development possible by using
24 those natural resources of hydropower, which is the
25 best use, I think, of this great resource.

1 I ask that FERC include myself and my staff on
2 all public communications regarding this project.
3 Again, on behalf of Senator Young, Senator Grisanti,
4 who's remarks I have given to the court reporter, I
5 thank you very much for scheduling this meeting
6 here, and I ask you to consider, very seriously, the
7 comments that I've made. And I want to thank
8 President Porter and his advocacy on behalf of the
9 Seneca Nation. Not just on this project, but on
10 several other projects benefiting the Seneca Nation,
11 including, but not limited to, the Niagara Falls
12 Casino, which happens to be located in my district.
13 So thank you, and employs approximately 40,000
14 people - I'm sorry, I wish it was 40,000 - 4,000
15 people. Thank you very much.
16 (WHEREUPON, there was a brief interruption.)
17 MR. HOISINGTON: Okay, at this time are
18 there any other Seneca Nation speakers that would
19 like to speak? Just a moment. Do you want to speak
20 from there, or do you want to come down here?
21 MS. BOWEN: I can speak from here, I
22 think.
23 MR. HOISINGTON: Okay, you're welcome to
24 come down here.
25 MS. BOWEN: Nyaweh Sgeno. Rebecca Bowen.

1 (Whereupon, A brief statement was made in the Seneca
2 language.) For those of you who do not understand
3 our language, I will translate. I am thankful that
4 you are all well. Rebecca Bowen is my name. I am
5 from the Great Hill People, you know us as Seneca.
6 I am with the Bear Clan. I live in Jimersontown.
7 Jimersontown is the relocation area where my family
8 was removed to when the Kinzua Dam was built. I live
9 at Ohio, the beautiful river. You know our
10 territory as Allegheny. Red House is where I grew
11 up. Today that Red House is gone, but it will
12 always live on in my memories and in my heart.
13 As mandated by the Peacemaker, we are always to
14 give thanks, Pononio (phonetic) are the first words
15 to be expressed when we gather together. It is an
16 expression of our harmony and balance with our
17 environment. So we give thanks for the waters and
18 the rivers and the creeks. These waters do not
19 simply quench our thirst, these waters sustain the
20 fish, the two leggeds, the four leggeds, the birds,
21 the medicine plants, the trees.
22 I believe it is because of this interdependence
23 and interconnectedness that it is a beautiful river.
24 The river was integral to my childhood experience.
25 Every household had a path that led to the river. I

1 remember the old women gathering at the river behind
2 my grandmother's house. It would be late spring and
3 the brilliant green of spring was blooming above our
4 heads. The women would pick the Bluebells and the
5 Violets that carpeted the woods. I can see and hear
6 these grandmothers as the spoke Seneca, laughed and
7 bundled tight the flowers.
8 They would take these bundles to Salamanca, to
9 Bradford, to Warren, Grand Island and sell them. I
10 would take my two or three bundles, put them in a
11 can of water and place it on the chair by the road
12 and sell each bundle for a quarter. I remember as I
13 neared this river, this expanse of flowing,
14 sparkling water just opened before me. We fished.
15 We swam. We ice skated.
16 Like an occupation force, an army of
17 construction companies invaded our homeland. Like a
18 scorched earth policy, the value was stripped. I
19 remember putting the chair outside the front door of
20 our house and watching as the earth movers removed
21 the entire face of the hill that stood in front of
22 our home. I remember shouting the angriest things a
23 child could think of. At night, the piles of trees
24 and brush would burn. The land was cleared right up
25 to the river banks.

1 One day moving men showed up and said they
2 would be back in four hours to move us to a new
3 home. Our lives were changed forever.
4 The waters that generate the power flows over
5 our old homesteads where the longhouse once stood,
6 the foundations of our churches, our school, our old
7 ballfields, even the graves of Senecas.
8 We are still the caretakers of this piece of
9 earth that the Creator has blessed us with, and that
10 is why I am asking the Federal Energy Regulatory
11 Commission to extend the boundaries of the project
12 to include the historical impacts of this dam,
13 including the entire Allegheny Reservoir. Nyaweh.
14 MR. HOISINGTON: Thank you. Anyone else
15 over here? Anyone? State your name.
16 MR. MILLER: (Greeting in Seneca language.)
17 My name is Darlene Miller, the Hawk Clan. I want to
18 thank you for the opportunity to speak today
19 regarding the Seneca people and how Kinzua is part
20 of our history that we teach to our children.
21 Today, you heard the song, and you heard
22 Rebecca, who talked about the Seneca people, our
23 connection to the environment. We, as Seneca
24 people, it's our way of life to give thanks,
25 starting with the people and our mother, the Earth.

1 And the water is second, because it's a vein of our
2 mother, very important to us and all living things.
3 The grasses, the bushes, the medicine plants,
4 strawberry, forests, the maple tree, the animals,
5 the birds, the food, the wind, the thunders, the
6 sun, the moon, the stars, those are things that we
7 are thankful for every day of our lives while we are
8 here.
9 The Allegheny River or Ohio as Rebecca
10 mentioned, is a vein of our mother, and with that if
11 you look on the map, you see where the river flowed
12 from east to west.
13 There's a chain that connected all of us in our
14 communities as we linked arms from one end to the
15 other. That chain was broken, the links are missing
16 now. When Kinzua came, it took those links and
17 separated and placed them in two different areas.
18 So you think about the map, where the original
19 waters were and where it is today. We have our
20 people on the east side, and then the lands in 1365,
21 and then you have them placed on the other side. So
22 you see, the links have been broken, or chain as we
23 were, years ago, for the last 200 plus years.
24 There is a treaty that guaranteed us free
25 flowing use. What does that mean? I was thinking

1 about that. The great river moves and it was
2 enjoyed by all of us, everyone who lived in 1365.
3 The Allegheny River is now a lake. And some
4 people who lived close to the river that's been
5 moved to rural areas, removed to rural areas and
6 had to adapt to a new way of life. I was one of
7 them. It was hard, it was really hard.
8 We thought about the school. As a teenager
9 some day growing up to be a mother, having children
10 and having my children attend that same school, the
11 school that is now gone.
12 We adapted as Seneca people. We saw
13 communities that were disturbed. Communities were
14 disrupted. Communities had to relocate, had to
15 rebuild. One thing, I wasn't going to talk about
16 this, but I have to. In our community, as I talked
17 about the links, the chain, the link led us to the
18 longhouse, which is a sacred place, a sacred house
19 for the Senecas. Then you have to sit back and
20 watch that house be burned to the ground. And I
21 know it was not easy for our people to watch. And
22 even though we have relocated, there was another
23 longhouse. We took our fire from one longhouse to
24 the other longhouse. But that longhouse is what
25 holds the Seneca people together.

1 And I wonder if anyone ever thought about how
2 hard it is to rebuild, when you suffer a loss that
3 you had to watch something so sacred burned to the
4 ground. Some of the impact from the dam has still
5 left our people with scars. We are a strong people
6 because we are Senecas. And we survived as our
7 ancestors survive. Fifty years has passed, and we
8 have survived this trauma. We still are grieving
9 and trying to heal. And in closing, it was the
10 Seneca land and water that made the power plant what
11 it is today, and I feel very strongly that the
12 boundaries of the 1365, the lands of the 1365, in
13 honor of our ancestors be included. Because it was
14 not the choice of the Senecas to build Kinzua, it
15 wasn't.
16 MR. HOISINGTON: Thank you. Anyone else?
17 Do you want up there or do you want to come down
18 here?
19 MR. DRISCOLL: I can walk down. Good
20 afternoon. My name is Bob Driscoll, and I'm here on
21 behalf of Senator Catharine Young, the Senator of
22 the 57th District of the State of New York.
23 I brought with me today, a copy of the letter
24 addressed to Secretary Kimberly Bose, of the Federal
25 Energy Regulatory Commission, and ask that the

1 Seneca Pump Storage Hydro Plant Project, Project
2 Number 13889 be supported on behalf of the Senator.
3 I will be providing a copy of this letter to the
4 commission members who are in attendance, and I will
5 additionally, give one to the court reporter. Thank
6 you.
7 MR. HOISINGTON: Thank you. Anyone else?
8 Do you want to come down here, or do you want to-
9 MS. BOWEN: Good afternoon. My name is
10 Pamela Bowen, and I am a member of the Kinzua Dam
11 Relicensing Commission.
12 As a first generation member born after the
13 Kinzua Dam crisis, this tragedy holds a different
14 meaning to me. I use the term, "crisis" because
15 one; that's how it was taught to me, and two;
16 because it truly was a crisis to my people.
17 As a member born after the displacement of my
18 people, it's hard for me to fathom a way of life
19 that existed almost 50 years ago. I only learned
20 about that past life through stories and pictures.
21 I had no direct connection to our lost ancestral
22 lands, but through the love of my parents and their
23 connection that was transferred to me through their
24 feelings and understandings.
25 Today, that dam represents an unanswered

1 injustice. My father passed away at the early age
2 of 60, and even as his life slipped away, he
3 constantly told me he missed his homeland and wished
4 he could go home.
5 You've read about stewardship of the land. Who
6 better than the Seneca Nation to obtain a license
7 for the Seneca Pumped Storage Project than the
8 Seneca Nation? We have always been a steward of
9 our land, and we will always continue to do so.
10 Our people have survived their crisis, but
11 still bear the scars today. From the people that
12 you had a chance to hear from today, that is still
13 evident. As a member of the Seneca Nation that
14 never, never lived through that, I continue to
15 respect, have a great deal of respect for my people
16 that went through that. I can't imagine what it
17 truly was for them, but I feel their pain. I feel
18 their hurt, even in the words that they've shared
19 today. In keeping with the studies for cultural,
20 socioeconomic studies, I am asking that the
21 boundaries for the project be extended to include
22 the upper Allegheny Reservoir to 1365. Thank you.
23 MR. HOISINGTON: Thank you. Anyone else?
24 MR. TITUS: Hello everybody, excuse my
25 voice, thank you for being here. My name is Shane

1 Titus, and I am a conservation officer for the
2 Seneca Nation as well as the fisheries manager.
3 Kind of stopped by here as a department to voice our
4 opinion on some of the conditions on our reservoir,
5 I guess you could say, as it refers to fish and
6 wildlife.
7 Through the years, the Conservation Department
8 has witnessed the steady decline of our fish
9 habitat, structure, fish diversity and the shoreline
10 erosions. The department considers the main
11 contributing factors to the water level fluctuations
12 to be the silt and settlement accumulations and
13 obviously, the water level fluctuations.
14 The erosion of our shorelines has eroded to the
15 point that our trees, grasses and bushes can no
16 longer take root, leaving them in very unstable
17 shorelines. We believe this is mainly because there
18 is really no water table to speak of, that's nothing
19 that's true and concise anyways, nothing permanent.
20 There is a lot of fluctuations. Silt and sediment
21 have been accumulating for almost 50 years now in
22 the areas that once harbored gravel beds, natural
23 structures and habitat such as tree stumps. These
24 areas have been covered by silt. These areas are
25 used by fish species, insects, crustaceans for

1 shelter, forage, spawning. Silt has collected in
2 areas where water depth used to be deep. The water
3 is now shallower at the northern end of the
4 reservoir causing waters to heat faster during the
5 summertimes, spawning algae blooms, early algae
6 blooms, forcing fish to seek deeper waters, colder
7 waters, more hospitable waters which are
8 unfortunately, usually on the Pennsylvania border
9 and into Pennsylvania. The water fluctuation has
10 also had an adverse effect on some of the spring
11 reproductive cycles. There are a number of wildlife
12 species, both fish, insects and amphibians. Talked
13 to FERC yesterday and kind of brought you up on
14 this, and wanted to touch on that a little bit
15 because I don't think I made this point clear.
16 As the water fluctuates even by one or two
17 inches by the Kinzua Dam, it has little to no effect
18 on the shorelines or inhabitants. The topography is
19 cavernous mountains, steep shorelines. You get up
20 to this neck of the woods and the reservoir up in
21 the Seneca Nation territories and our lands are more
22 open, more flat lands. One inch of water, two
23 inches of water can be the difference between having
24 10 acres of wetlands or having dry lands. These
25 wetlands are crucial to the insects, amphibians and

1 fish that are spawning in spring times.
2 So fluctuations, even though they seem minimal,
3 do have a large effect, when you talk about the
4 northern portion of our reservoir. Conservation
5 Department along with partnerships with the New York
6 State DEC and U.S. Fish and Wildlife Service, have
7 been conducting studies concerning the fish and
8 wildlife along the Allegheny River and Kinzua
9 Reservoir. A number of species are listed as either
10 critical, concerned or endangered. These species
11 include, but are not limited to, Paddlefish, Hell
12 Benders and Ray Bean, which is a freshwater mussel.
13 The gentleman with the DEC has been working
14 with us for probably 4 years now, at least with the
15 Paddlefish and we have a great working relationship.
16 Paddlefish is endangered and has been reintroduced
17 and is going very successfully, but their habitat
18 needs to be protected.
19 The Hell Bender is also listed concerned or a
20 species of concern in the State of New York. As I
21 mentioned yesterday, there are other states with
22 Hell Benders that are listed under the endangered
23 list.
24 Surveys have been conducted from the city of
25 Salamanca, stretching up to Limestone, basically the

1 Carlton area, and we have been successful in
2 locating Hell Benders in those regions. However,
3 from Salamanca, south to the Kinzua Reservoir we
4 have yet to get to them areas to do more surveys and
5 more studies. The same could be said with the Ray
6 Bean, which is a freshwater mussel that's also
7 endangered. We've been surveying the Salamanca
8 waters up to Limestone with really no luck. We have
9 yet to cover from Salamanca into the reservoir area.
10 We recognize a number of issues, and have been
11 attempting to repair some of the damages by
12 implementing aggressive habitat restoration programs
13 within the reservoir. At this point, we've put 120
14 Christmas tree structures inside the reservoir for
15 habitat with 200 more habitat structures planned
16 throughout the summer.
17 We also have campaigned to remove some of the
18 silt and sediment in the areas that are accessible
19 to us by excavation, so we can relieve some of the
20 burden on these gravel beds and natural railroad
21 beds and roads which have been flooded.
22 Construction of a Walleye hatchery began in the
23 summer of 2010. It's completion is scheduled for
24 the end of 2011. The hatchery we'll use for the
25 wildlife restocking purposes and also aid in the

1 rearing of Hell Benders and possibly even Paddlefish
2 for reintroduction and restocking into our waters.
3 To that end, Seneca Nation Conservation
4 supports expanding the project boundary to include
5 the upper reservoir of 1365. We believe that a
6 number of more studies need to be done. We also
7 support the emphasis and the need for the proposed
8 impact studies by the Seneca Nation of Indians.
9 Thank you very much.
10 MR. HOISINGTON: Anyone else?
11 MR. HERON: I've got some words. My name
12 is Tyler Heron. I am a survivor, 64 years old. At
13 this hearing right here, I was reflecting on maybe
14 how my father's generation felt, giving testimony in
15 front of the government people, and how they were
16 treated and how they were looked upon. I guess
17 we're here to convey messages, and you are supposed
18 to take the messages back. But the government
19 people, I don't know what agency you're from, or
20 whatever, but usually . . . 45 or 50 years ago there
21 was a distrust for government people.
22 I remember stories of ladies kicking people off
23 the property with brooms, because they were going to
24 appraise the houses. I think Perdi (phonetic) can
25 attest to that and some of the old stories. So I

1 guess, I kind of come here with a little
2 apprehension that we're not the nation that we were
3 50 years ago, because of the Kinzua. And yet maybe
4 because of it, some of that Kinzua resettlement
5 money was used for education, and we're not the
6 ignorant indians we were 50 years ago.
7 And so I come here, probably to tell a story or
8 two. I was talking with President Porter a few
9 years ago, and he wondered what it was like during
10 the Kinzua era. And I think Darlene and Lisa
11 (phonetic) has . . . on the Red House School. And
12 across the river they were relocating the railroad.
13 The earth movers, lights were on, they were working
14 24 hours a day.
15 We were probably 15 or 16, and we would go up
16 on top of Sunfish Hill and throw rocks at the earth
17 movers. That was a cat and mouse game that sure did
18 show up. Shine your light and throw them back. We
19 never got on top with that one, maybe a month or so,
20 a couple of months.
21 I was telling Rob that, and he said, "Gee, you
22 guys were like the Palestinians." I didn't think of
23 it that way, but then again. It was a reaction,
24 because we heard that from our parents that this
25 stuff was bad that was going on. And I tell that

1 story because I hope the statute of limitations has
2 run out. That's hard stuff.
3 But those are the things that a 15 or 16 year
4 old impressionable, but not knowing the full . . .
5 what was going on in the background. The power
6 brokers in Washington D.C., the politicians, the
7 energy companies. Here we are, we're lucky we had
8 two or three Senecas and Allegheny that had a
9 college education, who knew the ways of the white
10 man, that dominant society.
11 It's a little bit different now. Our president
12 is a Harvard graduate, the fellow here. Our
13 leadership have education and we've learned the ways
14 - I won't say the ways of the white man - but
15 learned the rules and how to play the game. I never
16 learned the ways of them because our society still
17 has to be strong. What was taken away from us, we
18 can never get back. But that numbered society is
19 like that river over there, it's relentless. That
20 water is relentless; it has to keep flowing, and
21 because of that water . . . the Kinzua, "Well we
22 want to harness that water, so it doesn't flood
23 Pittsburgh."
24 That's all fine and well, you want to take care
25 of the land and everything else, but unknown to us,

1 you might as well build an energy plant there.
2 "We're going to use the water that 1365 to build an
3 energy plant, but we won't tell them indians about
4 it. We'll just go ahead and do it, won't give them
5 any kind of benefit."
6 Well, fast forward 50 years, here we have right
7 here. Rehashing the hash, but instead of rehashing
8 the hash, I think we've got the spatula now. So I
9 hope that the messages that you hear probably within
10 the next three or four years, that you take back. I
11 look here. I didn't realize if some of you people
12 are my age . . . the distrust of the government for
13 much of my generation is still there.
14 We have these plans. We have the resources to
15 follow them through, but we still have that big
16 energy, big government, politicians, power brokers.
17 I think I can speak for Senecas and the
18 Cattaraugus,and our Alleghenies that we don't want
19 to see a settlement written on a cocktail napkin in
20 D.C.. We want to be a viable part of this thing,
21 and I am trusting our leadership and the resources
22 that we have on board, from attorneys to engineers
23 to historians, to see this through. I hope that's
24 the message that you take back if you are serious
25 about this. And you'll hear all sorts of messages,

1 but just keep that in mind. That you are here to
2 collect them and take that back. I guess that's all
3 I have to say. It's my wife's birthday today. I'm
4 taking her out for supper, so I've got to get
5 hopping. You guys look like government people.
6 MR. HOISINGTON: Thank you.
7 MR. KIMELBERG: I'm not the story teller
8 that Tyler is, but it's an honor to follow him,
9 that's for sure. My name is Dave Kimelberg. I'm a
10 citizen of the Seneca Nation, and I'm also CEO of
11 Seneca Holdings, which is the investment holding
12 company owned by the Seneca Nation.
13 I went over a lot of points yesterday, and I
14 won't repeat all of them. But I think it is
15 important to realize that the resources and the
16 skills that the Seneca Nation has, and how those
17 resources and skills can be utilized effectively to
18 run this facility.
19 Seneca Holdings, we were formed two years ago.
20 We have five successful operating companies
21 including a telecommunications company in D.C. that
22 performs federal contracts, a successful
23 broadcasting company and a number of other very
24 successful companies.
25 One of which, the most recently formed company,

1 is a company called Seneca Energy, which is well
2 poised to operate this facility. We are focused on
3 renewable energy projects on our land, off our land,
4 including biomass, solar, wind, geothermal and now
5 hydro power. We bring real expertise that we have
6 developed, and Tyler I think, makes a good point.
7 We're in a different place than we are or were
8 50 years ago. We have the horsepower to do this.
9 We have a management investment team that's operated
10 companies all over the world. We are the
11 fifth-largest employer in Western New York. We now
12 have an energy company, and we plan to go out to the
13 market to find a partner with real resources, with
14 real expertise that we can combine with and use our
15 management expertise and use our resources to be a
16 really efficient and effective operator of this
17 facility.
18 It's an exciting time. I just want to
19 underscore that. I want to underscore what our
20 president said earlier. The scoped document that
21 I've read, the PAD that I've read, really doesn't
22 address the incredible disconnect between the
23 economic benefits and burdens that exist. All the
24 benefits flow to others, all of them, all the money,
25 all the resources, everything. All the burdens

1 stand right here on our land with our people. It's
2 on the backs of us. There is a real disconnect
3 there that needs to be addressed in the scoping
4 document.
5 This is very personal to us. I think I am
6 stating the obvious. We have our youth here. We
7 have our elders here. We have heard some incredibly
8 powerful stories. It's hard for me to follow up
9 with my talk when I hear things like that.
10 And it's personal to me too. I said this
11 yesterday, that I feel it's worth repeating. My
12 great uncle, Cornelius Seneca - this is before
13 Tyler's father's time - was president of the nation
14 in the 50s. He fought this hard. He didn't want
15 this dam. He could see what was coming. He could
16 see these stories coming, but he lost. The dam was
17 built. We suffered. We hurt, and now I'm here, 50
18 years later. That's an amazing thing. I'm carrying
19 forth, helping carry out that mission, that message,
20 his message for our people, the people's message
21 then.
22 With a different skill set, the skill set that
23 Tyler was talking about. And I am honored to do
24 that, and I am thankful to be here in his spirit.
25 Nwaweh.

1 MR. HOISINGTON: Thank you. Do you want
2 there or here?
3 MR. JOHN: I can come up there.
4 MR. HOISINGTON: Okay.
5 MR. JOHN: Nyaweh Sgeno. My name is
6 Randy John, and I am Doctor Randy John, and in the
7 indian world, I am actually the generation just
8 behind the Kinzua era. And that's the generation,
9 the first generation that started to attend college
10 and higher education as a result of the advancements
11 that were provided, once the Seneca Nation adjusted
12 to the turmoil.
13 I really came here as a visitor in the
14 audience. I have no script. I had no intentions of
15 speaking, but I'm compelled to speak. And I would
16 like to just briefly address two issues. The first
17 issue, I'd just like to address is we have had a
18 society of pain, and I simply would like to ask you
19 to reference my dissertation, which I published as a
20 book. It's called, "The Social Integration of a
21 Native American population." And in this book, I
22 spend time and I believe that every Seneca scholar
23 needs to discover the era of the Kinzua Dam, and I
24 discovered the dislocation of the other elderly from
25 the extended family by physical change and social

1 change.
2 Because the relocation wasn't simply relocating
3 the family plots that existed for centuries, but it
4 was a lottery. We moved into middle class type
5 suburban households, which didn't accomodate the
6 extended family size, thus affecting our social
7 relations. But I ask you to reference that book and
8 submit that for your report.
9 My second issue, and this also compels me, is
10 I'm an avid fisherman. I call myself a river rat.
11 People want to go to Lake Erie, where it's awesome
12 fishing, I refuse. They shake their head because I
13 insist on fishing in my homeland, the river. And
14 the river is a very difficult place to fish. It's
15 not an easy place to fish, and the Kinzua Dam
16 affects that daily.
17 I would ask you to, clearly in your studies, to
18 create balance. Because my privilege and my right
19 as a Seneca here, to fish in my homeland is affected
20 by that. I insist on fishing here, in my homeland.
21 I don't prefer to go off the reservation. I have a
22 silly saying to people, and my wife knows it's true.
23 I say, "Indians are supposed to stay at home." And
24 I, I don't fly. I don't like flying. She makes fun
25 of me, and my kids make fun of me.

1 So with my fishing, with my flying, I'm here at
2 home. I'd like to ensure some economic balance,
3 because I had a rough year fishing last year, and
4 this is my chance to tell you, very rough. Please
5 restore balance for the next 50 years. It's our
6 right. It's our place. It's my livelihood. It's
7 my quality of life being affected for the future,
8 not only in the past, and the story you can read in
9 my book and others, but the future, for the next 50
10 years. Nwaweh.
11 MR. HOISINGTON: Thank you. Anyone else?
12 MS. ABRAMS: Hello, can everybody hear me?
13 My name is Rovena Abrams. I have many titles. I am
14 grandmother. I am mother, and I am a news editor
15 for the Seneca Nation. Going back to my childhood,
16 I was raised in what was called Coldspring, a
17 beautiful valley. We were near the Allegheny River,
18 and it was very peaceful. It was home to us. We
19 thought we would be there forever. My parents were
20 good to us. They were hard workers, and there were
21 eight children of us. We all worked hard, because
22 that's how they taught us to be. Like I said, we
23 thought we would be there forever. It was peaceful.
24 We had friends there. And then we heard that the
25 dam was going to be built there.

1 After I had married and I had children, I went
2 to work for the Seneca Nation. At that time, Tribal
3 Council was trying very hard to fight the dam. They
4 went to Washington. They got interest aroused
5 throughout the country. The Quakers helped us, but
6 all to no avail. The dam was going to be built.
7 The Corps of Engineers persuaded the federal
8 government to build a dam.
9 It was very sad time for everybody because land
10 is very important to the Seneca Nation, the
11 Seneca's, to me. It's very hard to leave where I
12 was born, where I grew up. The land was part of us,
13 but we were told that we had to relocate. So we had
14 to make plans, Tribal Council had to make plans for
15 us, and we all had to move. It was very, very
16 difficult. Many of our elders died because they
17 were so heartsick and so heartbroken. It was sad,
18 and I don't know how anyone could have done that to
19 us, but they did.
20 We had to survive, and we had to get ready to
21 move to a new home. Our old homes weren't very
22 nice, but they were homes. We went into new homes,
23 which was really not at home. We had to get used to
24 it.
25 We were like broken people. We were

1 heartbroken; we had lost our land. We had lost
2 faith in the federal government, but somehow we
3 survived. And then I worked for the Seneca Nation
4 for quite a long time, and I remember that we had to
5 make plans. We had to build new homes. Everyone
6 had to relocate. It was a very trying time for us.
7 When I look back, I don't know how we survived
8 really. Somehow we reached today. And even though
9 I still think about home, I think about my parents
10 and how nice it was then to today, when we had to
11 adjust and find a new way of life, but we did,
12 somehow. And now I've worked for the nation for
13 quite a long time. I've always been a newsletter
14 editor. And today, to come to today, we have our
15 president, who is a Harvard graduate. He is a very
16 brilliant man. I'm amazed sometimes at how much he
17 cares for us and plans for us. And now he has this
18 plan for this hydroelectric power plant that he will
19 have the Seneca Nation run.
20 I think we can do it very well. I think
21 perhaps, too, that our young people feel better
22 about everything. We have a better future. We are
23 doing well now, but we can do even better. So I
24 think with President Porter's guidance and his
25 vision leading us, I think we're going to be all

1 right.
2 PRESIDENT PORTER: Can I have an excerpt
3 of that last part?
4 MR. HOISINGTON: Is there an election
5 coming?
6 PRESIDENT PORTER: You never know.
7 MR. HOISINGTON: Anybody else from the
8 Seneca Nation? Do you want to?
9 MS. REDEYE: Could you bring it, please?
10 MR. HOISINGTON: Sure.
11 MS. REDEYE: Thank you. Good afternoon
12 everyone. My name is Lana Redeye. I am a member of
13 the Heron Clan. But I didn't want these proceedings
14 to come to a close without speaking on behalf of the
15 Cornplanters. I'm Cornplanter descended, and I am
16 sitting here today thinking of all the comments that
17 I have heard in the last two days.
18 I didn't want to miss this opportunity, because
19 I think I might be, and my sister and my brother and
20 a few others might be the last that remember living
21 on the Cornplanter Land Grant in Pennsylvania, on a
22 tract of land that was given to the Senecas, to
23 Chief Cornplanter to live on, by the State of
24 Pennsylvania, and his descendants.
25 And there is a piece of land that ran along the

1 Allegheny River, Pennsylvania gave it. Pennsylvania
2 forgot a little bit that we needed electric. There
3 was no electric. There was no plumbing and there
4 was barely a road, but it was a beautiful piece of
5 countryside. It was nestled between the rolling
6 hills and the Allegheny River. And the people that
7 lived there, the descendants of Cornplanter, lived
8 up there, very warm and happy lives. And that life
9 they carved out of the land. They were nurtured by
10 the land.
11 My grandmother had a beautiful garden. They
12 built a little home there. There was a barn. They
13 raised ducks, pigs. There were horses, There was a
14 cow there. There were chickens. And there were
15 wonderful, natural, wild plants and things that grew
16 in the woods that they lived on, and my grandmother
17 gathered blueberries and blackberries. And as a
18 child, I went there every weekend. How we got
19 there, how we survived there, I don't know, because
20 the road was so narrow, and I remember there were
21 four of us in my family's little car, and it was on
22 a steep hill, and you could look out the window and
23 wonder whether we were going to go over. You hoped
24 that you would never meet another car on that road.
25 And I remember we all used to fight to not have to

1 sit on that side of the car, where you could look
2 out the window and see whether the car was going to
3 go over the cliff or not.
4 But we got there, and my mother loved to go
5 home to visit her mother, and we just had a
6 wonderful time. There was a little church, and
7 there was a little school where my mother went to
8 school there, and then she went to the Quaker school
9 across the river at Tunasassa. (phonetic) But every
10 year, August, the 1st Saturday in August, the
11 Cornplanters would all gather, those that still
12 lived there, and other family descendents, and we
13 had a big picnic down by the river. And it was just
14 a wonderful time and everybody brought homemade
15 food, and we swam in the river and felt the minnows
16 and little crabs on our feet, and we learned how to
17 swim, used to learn how to swim across the river.
18 And that was my childhood. That was my
19 beginning, and my mother loved her home. And when
20 the dam came, my grandmother had already passed on,
21 and she was buried in the Cornplanter Cemetery,
22 where the other descendents were. And we used to
23 always go over there and take care of the grave
24 sites and play there while my parents were cleaning.
25 And when the dam came, I was a young girl, a

1 teenager, and I remember the trauma that my mother
2 felt. I know that she suffered an emotional strain
3 during that time. We felt it in our home. We saw
4 it in her face, and so we all hurt for her. It was
5 all of us. And the day that they burned her home
6 was the darkest day in our life.
7 And so, when the dam came and the Cornplanter
8 Cemetery was moved, it was moved across the river to
9 the Cornplanter Cemetery. They have my mother, my
10 father, both are buried there now in a beautiful
11 site. I lost a sister last year, and she is there,
12 and my aunts and my uncles and my relatives, all our
13 Cornplanter descendants are buried there.
14 My family plot is very close to the lower ridge
15 of the hill. The cemetery is on a hill, and it's on
16 the lower end of the hill near the river, and
17 several years ago that bank started to erode. And
18 we were watching it. The Kinzua Dam Committee at
19 the time really raised the flag to the Corps of
20 Engineers and to the Forest Service, and anyone that
21 would listen to us, that bank was eroding. The
22 fluctuations of the river, caused by the dam and the
23 pump storage project together that are using our
24 water, was eroding away our land little by little.
25 The federal government has always wanted our

1 land. And even when we were smart enough to finally
2 say, "No, we are not giving up any more." They
3 still took it. And as many of us sit here today, we
4 survived. And yet here that river was eroding away
5 our land again, and it was encroaching on our
6 ancestors, on my parents, on their grave site and
7 those of other people that we loved. And after many
8 years, a number of years of crying about that
9 erosion, there was finally some repair work put up
10 there. But who knows what's going to happen to that
11 in the years to come. If erosion continues to tear
12 away bit by bit the granules of our land, of our
13 Allegheny territory, all our Seneca lands of our
14 ancestors.
15 And so I ask you today, the FERC, the Federal
16 Energy Regulatory Commission, to please consider
17 expanding that boundary. The boundary that is the
18 Cornplanter land grant, that is the Allegheny/Seneca
19 territory, and include that in this project, so that
20 we, the Seneca Nation, can do what we need to do to
21 ensure that these types of things will not continue.
22 And that the memories of our ancestry and the
23 memories of our families will be good ones. Thank
24 you very much.
25 MR. HOISINGTON: Any one else? Do you

1 want to come down here?
2 MS. YATOEY: Sgeno Oteney (phonetic) My
3 name is Lana Yatoey (phonetic) Emerson. I don't
4 know quite where to begin. I was thinking about it
5 all last night and today. Because I knew that this
6 meeting was coming up and I knew that this would be
7 my chance to tell you about how I feel and how my
8 sons feel, and how everyone feels about the removal.
9 I was very young. I was 10 years old. I don't
10 know where to begin. I guess I should start with my
11 mother and my father. My mother was a Kiddush. She
12 was in Carlton, and she was taken from her home to
13 go to a Quaker school, and my father, he was a
14 Jefferson, and he was from Jefferson County. And he
15 was taken from there and was placed in Tunahasas
16 (phonetic) school. And then I was born, and I come
17 from a family of ten, ten children, and there are
18 seven of us now.
19 On the day that we had to move, I didn't know
20 anything about it, nothing about it. Nobody said
21 anything, but I can remember when they started
22 taking the caskets out of the ground behind Red
23 House School. And the teacher came in and said, "I
24 want everybody to put your head down on you desks."
25 We were like, "Why do we have to do that?" We

1 didn't know what was going on. But when we went out
2 to play, there was big black plastic around there,
3 around the cemetery, and we didn't know what it was.
4 And we're all in our classroom with our head down,
5 and we hear the teachers talking out in the hallway.
6 And everybody knows Reverend George, Al's brother.
7 We were in the classroom, and he got up, and he put
8 one of the blinds up, and we saw the caskets go by.
9 It was the most awful thing I have ever seen.
10 I was only a girl. I was only ten years old. They
11 didn't tell us what was going on. They didn't tell
12 us anything. We didn't know anything; nobody told
13 us anything. We didn't know how to respond to that
14 or anything. And then came the trucks for moving.
15 My mother and my father and my other brothers and
16 sisters, they had moved up into our new house
17 already in Jimmersontown, and I didn't want to go.
18 And my sister was there with her family in our
19 old home, the house, my father came, my mother came
20 to get me. I didn't want to go. My father walked
21 into the house. My father was about 6' 5", I mean
22 my father was a big indian, he was real tall. And
23 my mother was with him, and he said, "Lana, come on,
24 we've got to go." I said, "Where are we going?"
25 And my mom said, "You've got to come too." And I

said, "But I don't want to go. I don't want to go." My dad said, "Come on Lana, you're going." A little girl, 10 years old, your father standing above you and you look up at him, and he is this great big huge guy. I mean, you can't stay there. And my sister is not totally ready yet.

And I left there, and I've never gone back there again. Never went back down there for anything, and I loved living there. It was quiet and peaceful. The river was quite a ways in back of our home, but we all managed to get down there somehow in the summer time to go swimming and everything. And even though everything was hard back then, I mean it was really hard living like that, but we didn't mind it. Nobody complained about anything. And now I have two sons, and I tell them my life. I don't want to call it a story, because it is not a story. I always worked in the Kinzua Dam area, the story, and it's a way of life that we all had to live through. And we are still hurting from it. I will never get over that, never.

People say, "Oh, you'll get over it. It'll be better." But you know what? You don't. You just don't get over it. I don't care. They can offer us all kinds of money. They can offer us whatever they

1 want to. It's still not going to take my pain and
2 our elders pain and everyone else that's my age, and
3 my children's pain away with that, my
4 grandchildren's pain with that. Because I'm going
5 to tell my grandchildren everything about it.
6 And you know Tyler said, "Trusting," well, I
7 learned at an early age not to trust the government
8 at a very early age. I was only ten years old and
9 learned not to trust the U.S. government. And I
10 think that's a pretty bad situation. But I know
11 that we can take care of our Kinzua Dam. I know we
12 can do it. We have the education behind us. We
13 have a lot of kids here, all our high school kids
14 that were here, some day they're going to be doing
15 what we're doing. They're going to be negotiating
16 for our people. And I think that what makes us
17 strong, is our land. We still have our land. And
18 the government took a lot of our land, a lot. For
19 what? So Pittsburgh wouldn't get flooded? Come on
20 now. But I don't know. I just hope and talk to the
21 Creator to make sure this goes right for us, the
22 nation, for my boys, for my grand babies that are
23 coming up, for everyone. Nyaweh.
24 MR. HOISINGTON: Thank you very much for
25 sharing that with us. We appreciate it.

1 MS. BOVA: Nyaweh sgeno. Arlene Bova, I'm
2 a tribal counselor for the Seneca Nation. I've been
3 at this, through the graciousness of our people,
4 going on 14 years. Our legislative branch is the
5 arm of the nation, arm of the people that takes the
6 action. Our people do not let us take things
7 lightly. They mandate to us. They mandate when they
8 come to Tribal Council. They mandate whether they
9 see you in the store or at a family gathering. Once
10 you are in this type of service to your people,
11 you're theirs. And I am very thankful for that.
12 Responsibility and accountability is what they
13 demand of us. So by Tribal Council resolution, we
14 have mandated to the KDRC Commission, Seneca
15 Holdings, Seneca Energy, to take the necessary
16 actions so that we, the Seneca Nation of Indians
17 will be the right, qualified recipient for this
18 license.
19 We are here to be competitive, First Energy, we
20 are here. We are ready. We are going to go through
21 this successfully. Our people mandate that to us,
22 and I'm very proud and thankful to our people for
23 supporting that. Nyaweh.
24 MR. HOISINGTON: Thank you. Anyone else,
25 while I'm up here?

1 MS. HUFF: Thank you. Wendy Huff. I'd
2 like to acknowledge the heart felt sharing that we
3 heard today. We are respectful people. We think
4 that we are tied very closely to our mother the
5 Earth, and when the river, the free-flowing river
6 was stopped, it was very traumatic. And as you've
7 heard, we continue to give thanks and to be grateful
8 for all that we have left.
9 And again, that is also by those studies that
10 we have proposed in our pre-application document,
11 are important to us that they be completed. Because
12 we would like to have that information in order to
13 be sure that the reservoir and the environment
14 around the reservoir and the impact of the Pump
15 Storage Project are adequately studied and managed.
16 I also wanted to point out that in the scoping
17 document, the one FERC presents, the Seneca Nation
18 is not proposing changes in the project facilities
19 and operations as currently defined. That is
20 incorrect.
21 Our pre-application includes studies that
22 support Seneca Nations preliminary permit to add
23 conventional hydropower to the current project.
24 This is not a separate application, though it is
25 docketed separately. It is an integral piece to our

1 proposed project, and it should be amended in the
2 scoping document. Thank you.
3 MR. HOISINGTON: Thank you. Anyone else?
4 MS. SENECA: Hi, my name is Shannon
5 Seneca, though I'm not a member of the Seneca
6 Nation. I'm a member of the Mohawk Nation in
7 Canada. But I'm here because I'm a PHD candidate in
8 environmental engineering at UV. And I just wanted
9 to make a few comments.
10 Firstly, the U.S. government does maintain a
11 trust responsibility to the native american nations,
12 and as you see, that trust has been broken. But I
13 think, if they do gain the licensing, that may be
14 the first step to repairing that trust that was
15 broken.
16 And I also want to reiterate, because we have
17 had a lot of emotional talk here with a lot of what
18 is going on with these people, but I think one of
19 the very most important points is that the Seneca
20 Nation does have the ability to manage this hydro
21 station. Not only do they have the power of the
22 people, but they also have economic resources, and
23 as I'm not going to attack First Energy, but they
24 are not in this general vicinity, and their main
25 purpose would probably be running the hydropower

1 station. Whereas, I see the Seneca Nation is more
2 concerned about the hydropower as well as the
3 surrounding environment, and the impacts that it has
4 on the Allegheny River and Reservoir. And I think
5 that's very important, especially as we see a lot of
6 environmental degradation to our stream systems.
7 And thirdly and lastly, but I feel is most
8 important. I feel that the Seneca Nation regains
9 stewardship of its natural resources, that it would
10 also empower these people. So one of the things I
11 wanted to reiterate also, was what the new president
12 Rob Parker (sic) said, was that they want the chance
13 to stand together next to the United States to
14 benefit both nations. And I think it's a great step
15 in that direction. Thank you.
16 MR. HOISINGTON: Thank you. Anyone else?
17 Okay, we have some representatives here from the
18 federal government, if they would like to say a few
19 words. We have the Corps of Engineers, the Forest
20 Service, and the Fish and Wildlife Service. Any of
21 the state agencies? And the Bureau of Indian
22 affairs. Would any of you representatives like to
23 speak or have anything to say?
24 MR. BLUECLOUD: Hello, I'm Keith
25 Bluecloud, Natural Resource Branch Manager for the

1 Eastern BIA, Eastern Regional Office, Nashville,
2 Tennessee. The Bureau of Indian affairs and all
3 federal agencies including Federal Energy Regulatory
4 Commission have a trust responsibility to the Seneca
5 Nation of Indians arising from the 1794 treaty with
6 the U.S.. That trust responsibility requires the
7 federal agencies to respect all indian nations
8 self-government and sovereignty, honor indian
9 treaties and strive to meet the responsibilities
10 that arise from the unique legal relationship
11 between the federal government and indian nation
12 governments.
13 The Bureau of Indian Affairs acts as the
14 Secretary of the Interior's primary representative
15 for ensuring that the trust responsibility and
16 treaty relationship with the indian nations are
17 protected. So I request to expand the current
18 project boundary to include the Allegheny Reservoir
19 and a comprehensive assessment of the effects of the
20 Seneca Pumped Storage Project on Seneca lands and
21 waters seems reasonable. The studies that the
22 Seneca Nation of Indians has proposed supports that
23 assessment.
24 From what I've seen in this discussion of
25 issues, there is a couple of things. One that I

1 mentioned last night about climate change. In the
2 next 50 years, we don't know what's going to change.
3 More water, more soil erosion, and a few folks here
4 mentioned degradation of banks and all that stuff.
5 Federal government agencies are mandated to
6 address in their environmental documents this
7 climate change . . . so the environmental
8 requirements is changing for us too. We see that in
9 our office. We've got to add climate change in the
10 environmental reviews we're working on. So anyhow,
11 I'm thinking, I'm proposing the outline that has
12 other regulatory requirements, so I would be
13 interested in that.
14 The other thing we are also mandated to scope
15 for is environmental justice. That's how federal
16 action affects low income people. We will prepare a
17 more detailed written response by March 30th.
18 Thanks.
19 MR. HOISINGTON: Thank you.
20 MR. O'CONNELL: Good evening, my name is
21 Pete O'Connell. I'm the Northern Area Manager for
22 the Corps of Engineers of the Pittsburgh District.
23 And the reason I wanted to speak, actually I came
24 here like many of you to listen, to learn. And at
25 this point, the Corps of Engineers really doesn't

1 have a position. We want to be objective. We want
2 to hear all the sides of the stories, and have a
3 broader understanding of the scope of the proposed
4 projects.
5 The Pittsburgh District doesn't only have
6 projects like Kinzua. It has 23 locks and dams on
7 the main extended rivers of the Ohio, Monogahela,
8 Allegheny and 16 flood control projects. And I
9 oversee the nine in Northwestern Pennsylvania, and
10 Northeastern Ohio. But I have respect for you
11 folks. I just want to explain why I am here in
12 uniform, so you can understand my role in this.
13 Thank you.
14 MR. HOISINGTON: Thank you. Anyone else?
15 MS. ABERS: Good afternoon. Crystal
16 Abers, Director of Economic Development Planning and
17 Tourism Cattaraugus County. Cattaraugus County
18 shares many of the same concerns as does the Seneca
19 Nation of Indians regarding the future of the
20 Allegheny Reservoir and the Kinzua Dam. On behalf
21 of Cattaraugus County, I am here today to offer
22 support for the Seneca Nation's proposed studies, as
23 indicated in the nation's PADs submitted to FERC.
24 Cattaraguas County owns property that bounds the
25 Allegheny Reservoir, including the Onoville Marina.

1 The maintenance of the daily water levels of the
2 reservoir are as important to the county as they are
3 to the nation. We urge the Federal Energy
4 Regulatory Commission to move forward with the
5 pending application and to authorize the Seneca
6 Nation to complete it's well, well devised studies
7 as proposed. Thank you for the opportunity to be
8 here today.
9 MR. WHITNEY: Hello, my name is John
10 Whitney. I'm the District Conservationist for the
11 Natural Resources Conservation Service, out of our
12 office in Eastern Roro. (phonetic) Typically
13 serving Erie County and Cattaraugus territory.
14 Although I also serve in the capacity of the New
15 York NRCS Special Offices program manager. And it's
16 in that capacity that I am here today and health
17 sanitation as well.
18 Natural Resources Conservation Service has as
19 its primary consideration, soil and water
20 conservation, but also air, water, plants, animals
21 and the human interactions and relationships with
22 those resources, in much the same way that the
23 Seneca's view their relations with the natural
24 world. NRCS will prepare some technical comments
25 that are specific to the scoping document and submit

1 those by the project deadline. But I do want to
2 speak directly to capacity, because I think that's a
3 consideration in my experience in working with the
4 Seneca Nation. That is probably an overriding
5 interest, and different from the technical side that
6 NRCS is more directly involved with. Over the 25
7 years that I've been working with Seneca Nation, I
8 have watched and observed and learned that the
9 Seneca Nation is prepared to do what it needs to do
10 to manage its own resources for its own people and
11 for the benefit of the region.
12 And I've watched that happen in staff. I've watched
13 that capacity increase in technical knowledge. I've
14 watched the department, the various departments,
15 evolve from dedicated and committed individuals to
16 not just dedicated and committed individuals, but
17 people who can do what needs to be done to govern
18 and manage their resources. And it's really that,
19 that I wanted to speak to you directly, because I
20 think the time is perfect to consider the proposals
21 that the Seneca Nation is bringing to this project,
22 particularly from the capacity standpoint. So thank
23 you.
24 MR. HOISINGTON: Anyone else about the
25 state agencies? Do you want me to bring this over

1 there?

2 MR. MCKEOWN: My name is Paul McKeown, and

3 I am natural resource supervisor with New York State

4 Environmental Conservation. I didn't bring any

5 prepared comments. We do fully intend to submit

6 written comments in this process. We do have a long

7 tradition since I've been with the department, about

8 30 years. We have a very good relationship with the

9 Seneca Nation. As Shane alluded to a little bit

10 earlier, our participation in some restoration

11 projects in the Allegheny system both within New

12 York and within the Seneca Nation. And that's only

13 a part of the role we hope to play in our

14 stewardship role here. So again, we fully intend to

15 submit written comments related to this. One of the

16 very interesting parts that we see in this, is what

17 will actually be considered in the operating

18 boundary of the scope of the project. And that will

19 greatly influence the comments that we make from a

20 natural resource standpoint.

21 Operation of the reservoir certainly has an

22 effect on natural resources, not only within the

23 Seneca Nation, but it reaches into the upper river

24 also. And our comments will relate to that

25 accordingly. Thank you.

1 MR. HOISINGTON: Thank you. Anyone else?
2 The gavel? John?
3 MR. SMITH: I just have a question for the
4 DEC. At this point in time, do you folks have any
5 opinion as to your authority in 401 Certification
6 for the project?
7 MR. MCKEOWN: I'm really not prepared to
8 comment on that right now.
9 MR. HOISINGTON: He likes to put people on
10 the spot.
11 MR. MCKEOWN: And you're really referring,
12 we're Natural Resource people, we have other people
13 in the DEC that would be more involved with that,
14 definitely.
15 MR. HOISINGTON: Any of the other FERC
16 staff that would like to say anything? Anybody else
17 out there? Well, on behalf of the FERC staff and
18 the commission, I'd really like to thank all of you
19 for all of your stories and opening up and letting
20 us know how you feel. We will take all of your
21 comments into consideration. As I said yesterday,
22 the next couple of years we'll be working this out.
23 And that got quoted, so it must be good. But thank
24 you very much, and yes?
25 SPEAKER: Just one quick thing. I didn't

1 hear you remind everybody to use both docket numbers
2 for comments.
3 MR. HOISINGTON: Yes, when you are in the
4 scoping document, I think it's on page 29, there is
5 a reference to how to file comments. And when you
6 are filing comments on the two projects, I'm sorry,
7 it's on page 19. And you have to include both
8 docket numbers if you want to make comments on the
9 projects. If you're making comments on just one
10 project, use the Seneca Pumped Storage Project,
11 13889. If you want to make comments on the Kinzua
12 Pumped Storage Project, use Docket Number 2280 and
13 if you want them to go on both docket numbers, or
14 both projects, use both docket numbers and both
15 project names The comments for this is March 30th,
16 so everyone needs to try to get their comments in
17 by March 30th. Although you can file comments
18 anytime, and they will be considered. John, you
19 have something else?
20 MR. SMITH: Although we'll take comments
21 at any time, it's really important to get these
22 study requests in by March 30th because both
23 applicants will need to develop a proposed study
24 plan, and then hold study plan meetings. So, it is
25 important to get the study recommendations in by the

1 March 30 deadline.
2 MR. HOISINGTON: John?
3 MR. MUDRE: I think the gentleman from the
4 Corps has something.
5 MR. O'CONNELL: I just had one question
6 and that is, how can I obtain a copy of the
7 testimony that you have heard over the last two
8 days?
9 MR. HOISINGTON: The testimony will be
10 available on E Library, I think as of-
11 MS. CARTER: Ten days.
12 MR. HOISINGTON: Ten days, within ten
13 days. I thought it was 15. Are we on base with
14 that?
15 COURT REPORTER: Yes. You'll be able to
16 have it on your website in ten days.
17 MR. MUDRE: If they want it sooner, they
18 can purchase it?
19 COURT REPORTER: Yes.
20 MR. HOISINGTON: I have one more, since
21 you asked the question. I want to make sure that
22 everyone sees this. On that page 19, also is the
23 information that you would need to register on line,
24 so that you can receive all of the information that
25 you want concerning this project, online. It

1 explains how to go through registering with E
2 Library and the process that you would need.
3 Anyone else?
4 MR. LANINI: I just had one quick comment.
5 Two of the studies proposed by the Seneca Nation are
6 not contained within the scoping document, so if you
7 would please refer back to the PAD to include those,
8 thank you.
9 COURT REPORTER: Go ahead and identify
10 yourself, for the record.
11 MR. LANINI: Jordan Lanini, NRCE.
12 MR. HOISINGTON: Do you know those
13 studies?
14 MR. SMITH: That definitely was not
15 intentional, so we'll take a look at the list and
16 make sure we revise it. Our revised scoping
17 document is due out, I believe, when the proposed
18 study plans are due.
19 MR. HOISINGTON: All right. I guess
20 that's it. Thank you very much for coming, and
21 President Porter, thank you. We'll see you in the
22 months to come.
23 (WHEREUPON, The proceedings were concluded at 5:23
24 p.m.)