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BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

In the Matter of: : Project Number
METRO HYDROELECTRIC PROJECT : 12484-000- Ohio
:

Sheraton Suites Akron/Cuyahoga Falls
1989 Front Street
Cuyahoga Falls, Ohio

Wednesday, July 27, 2005

The above-entitled matter came on for
hearing, pursuant to notice, at 9:47 a.m.

BEFORE:

TIMOTHY J. KONNERT
Fishery Biologist
Federal Energy Regulatory Commission
Office of Energy Projects

1 APPEARANCES (CONTINUED) :

2

3 Michael Spencer - Federal Regulatory Energy
4 Commission

5

6 Pat Murphy - Federal Regulatory Energy
7 Commission

8

9 Jack Hannula - Federal Regulatory Energy
10 Commission

11

12 Keith Brooks - Federal Regulatory Energy
13 Commission

14

15 Stefanie Harris - Federal Regulatory Energy
16 Commission

17

18 David Sinclair - Advanced Hydro Solutions

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

2 (9:47 a.m.)

3 MR. KONNERT: First off,
4 hopefully everybody signed in on the sign-in
5 sheets that we had outside. If you haven't, I
6 think there's still a sign-in sheet out there.
7 When you get a chance, maybe sneak out and sign
8 in for us.

9 I want to welcome everyone to the
10 first scoping meeting in our integrated
11 licensing process for the Metro Hydroelectric
12 Project. My name is Tim Konnert. I'm the FERC
13 coordinator, Federal Energy Regulatory
14 Commission coordinator, for this project, and
15 I'm going to be the one evaluating the aquatic
16 resource issues related to it.

17 With me here today is the rest of the
18 FERC team that's going to be working on this
19 project. And I'll have them introduce
20 themselves.

21 MR. BROOKS: Yes. Good morning.
22 My name is Keith Brooks. I'm the attorney for
23 FERC on this project.

24 MR. SPENCER: Good morning. I'm
25 Michael Spencer. I'm an engineer at FERC.

1 MR. MURPHY: Good morning. Pat
2 Murphy, wildlife biologist.

3 MR. HANNULA: Jack Hannula. I'll
4 be evaluating the recreational land use and
5 aesthetics of the project.

6 MS. HARRIS: Stefanie Harris.

7 MR. KONNERT: All right. Thank
8 you.

9 Just to start off, I want to clarify
10 a couple things. It sounds like there's some
11 questions about the handouts that we had outside
12 on the table. Those handouts are from us at
13 FERC. There are two booklets that you picked
14 up. One of them is -- basically, it's guidance
15 for how we're going to be going through this
16 licensing process for this project. It's just
17 to let you know what to expect in the future and
18 where you can add your comments to the
19 proceeding.

20 These aren't specifically -- neither
21 of these booklets have anything specifically to
22 do with the Metro Project. So if you're looking
23 for information about the project, you're not
24 going to find any of that in those booklets.

25 Along with that, we have a flow

1 chart, and that's just a visual guidance to help
2 you follow along with what the different steps
3 are going to be in licensing this project.

4 The third thing is related
5 specifically to the Metro Project, and that's
6 what -- that's our scoping document that we
7 issued on July 1st of this year. And that's our
8 document to identify the issues that we're going
9 to be looking at in relation to the licensing of
10 the project.

11 Okay. As I'm sure you all know,
12 we're here today because the Metro Hydro Company
13 has initiated FERC's integrated licensing
14 process for the proposed Metro Hydro Project to
15 be located on the Cuyahoga River in Summit
16 County, Ohio.

17 Under the authority of the Federal
18 Power Act, the Federal Energy Regulatory
19 Commission has the exclusive authority to
20 license nonfederal hydro projects located on
21 navigable waterways or federal lands, or that
22 are connected to the interstate electric grid.

23 In deciding whether to issue a
24 license, the Commission must give equal
25 consideration to developmental and environmental

1 values of the project. Environmental values
2 include fish and wildlife resources, which
3 include their spawning grounds and habitat,
4 visual resources, cultural resources,
5 recreational opportunities and other aspects of
6 the environmental quality. The developmental
7 values include power generation, irrigation,
8 flood control and water supply.

9 In addition, the Commission must
10 ensure that the project is best adapted for
11 developing the waterway for beneficial public
12 purposes. Okay. And what we're here today to
13 do is to solicit comments and information from
14 the public and agency -- primarily in this
15 morning's session we usually gauge it more
16 towards agency comments. This doesn't preclude
17 the public from making comments. We want to
18 make sure that the agencies have their chance to
19 make their statements and their comments,
20 though, in this morning session since they're
21 kind of on the clock. They're at work right now
22 and they might not be able to make it to the
23 evening session.

24 These comments are going to be
25 recorded by our court reporter here with a

1 transcript of the meeting being added to the
2 public record for the licensing proceeding for
3 this project. If you feel like your comments
4 aren't -- you can't properly address them today
5 or you think of something at a later time, we
6 encourage you to file written comments with the
7 Commission.

8 Okay. The procedures for submitting
9 these written comments are provided to you in
10 the scoping document, which is one of our
11 handouts outside on the table. That will tell
12 you how to go about submitting those to us at
13 the Commission.

14 We weigh the comments that we get
15 here orally from you and the written comments we
16 receive equally. Okay? So don't feel like if
17 you didn't -- if you forgot to say something
18 here and you put it in writing that it's not
19 going to hold equal weight, because it will.

20 Because we're going to be putting
21 this meeting on the record, I'm going to ask you
22 when you make your comments to please first come
23 up to the podium and speak into the microphone
24 and clearly state your name and agency or
25 organization, if you wish. This is to ensure

1 that your comments can be heard and also can be
2 properly associated to you by the court
3 reporter.

4 The comments that you make here today
5 will be used by us in preparing our
6 environmental assessment. This is a document in
7 which we analyze the potential affects that the
8 proposed Metro Project may have on the
9 environmental resources.

10 These comments will also be useful in
11 the more immediate future in us determining what
12 studies may be needed to be conducted for the
13 Metro Project to answer any questions that there
14 might be.

15 In a second I'm going to hand over
16 the mike to David Sinclair representing Metro
17 Hydro Company to give his presentation of their
18 proposal for their proposed Metro Project.
19 After his presentation, I'm going to briefly
20 list the alternatives to their proposal that we
21 will be evaluating in our environmental
22 assessment, as well as the resource issues that
23 we have identified in our Scoping Document 1,
24 which again, we issued on July 1st of this year.

25 Okay. After that, we're going to

1 open up to get your comments and any information
2 that you might be here to provide. Okay?

3 I'm going to hand it over to David
4 Sinclair.

5 MR. SINCLAIR: Thank you, Tim.
6 Thank you very much, and good morning,
7 everybody. Welcome to the session this morning.

8 MS. SCHAEFFER: I was wondering,
9 for the purposes of the broadcast media, if you
10 could address your comments from the podium?

11 MR. SINCLAIR: I'm going to be
12 working the laptop here. Do you want to
13 rearrange your microphone, perhaps?

14 Can everybody hear me okay? Very
15 good. Thank you.

16 UNIDENTIFIED: Could you pull
17 those mikes down so we don't obliterate the
18 screen?

19 MR. SINCLAIR: My name is David
20 Sinclair. I'm the president of Advanced Hydro
21 Solutions, which is the parent company of Metro
22 Hydroelectric, the developer of this project.

23 What I'd like to do this morning is
24 to talk about the project, talk about some of
25 the plans and thoughts that we have. For those

1 of you who have seen most of this presentation
2 before, I apologize, but I can promise you that
3 we've made some changes, so some of it may still
4 be of interest to you.

5 For those that haven't, what I'm
6 going to attempt to do this morning is to show
7 you some of the thoughts and processes that we
8 are going through. It's still very much in the
9 preliminary stages, so things can still change.

10 Our company is based in Fairlawn,
11 Ohio, just on North Miller Road, and we are
12 supported by local investors. We are developers
13 of hydroelectric sites.

14 If I stand over here in the corner
15 and hide?

16 We are both developers of
17 hydroelectric sites, particularly ones where
18 there are existing dams, and secondarily, we
19 supply services and equipment to other people
20 doing the same thing.

21 We're very passionate about green
22 energy, renewable energy, and particularly about
23 hydro, which we consider to be one of the
24 greenest of the green. Nothing comes without
25 choices in life, but we think green energy,

1 particularly utilizing some of the existing dam
2 structures in this country, of which there are
3 about one and a half million, is a good value
4 and a good thing for our society.

5 Just to give you a little history of
6 the Gorge site, there are many residents in the
7 area here, I know, and -- who have probably more
8 understanding of this history than I do.

9 The dam was constructed in 1912 by
10 the Northern Ohio Traction & Light Company. It
11 was built specifically for the purpose of making
12 hydroelectric power. And they produced about
13 3 megawatts. They had a powerhouse about a mile
14 and a half downstream from the dam, close by the
15 State Street bridge. And they ran a 90-inch
16 pipe, a penstock as we call it, down from the
17 dam to this powerhouse along a series of
18 concrete saddles.

19 If you go out to the park, you can
20 still see those saddles there today. And we're
21 going to utilize those same saddles in our
22 project.

23 In December 1929, the Northern Ohio
24 Power Light Company, as it was known then,
25 donated 144 acres to the Akron Metro Park

1 system. The -- as a condition of this grant --
2 recognize, they were making power in this park
3 at that time in this facility. They gave the
4 land to the park, but, of course, they retained
5 a significant number of rights associated with
6 the production of electricity within those
7 lands.

8 And those are listed here. They
9 retained ownership of the dam, the rights of the
10 use of the water, the shores, to be able to make
11 electricity, for maintenance, rehabilitation,
12 expansion, egress in, egress out, transmission.
13 And all of these rights were maintained in
14 perpetuity to all successors on the site.

15 And so this facility operated as a
16 hydroelectric facility up through to, we think,
17 about 1958. And then they cut it -- they shut
18 it down probably due to the economics of the
19 time. It cost money to obviously maintain the
20 facilities, and in those times we had cheap coal
21 and electricity was cheap, so it was no longer
22 worth maintaining.

23 But that meant that from 1929 through
24 to 1958, the park and hydro coexisted very
25 comfortably for nearly 30 years. Now, the

1 Northern Ohio Power & Light Company, along with
2 a couple of others, were merged together. We
3 now know them today as Ohio Edison. And so they
4 are the successor company, and they have
5 provided us those assignment rights to those
6 rights in the dam and the park area in the form
7 of an easement.

8 Our proposal, the basics are to
9 reutilize the facilities that are available.
10 The dam still has the original hole in it. The
11 saddles are still there that used to carry the
12 pipe downstream. But instead of going a mile
13 and a half, we plan to only go 600 feet
14 downriver. So we're going to use the existing
15 head gate structure, the existing penstock
16 saddles -- and they do need some
17 refurbishment -- and we're going to construct a
18 new powerhouse, as I said, about 600 feet down,
19 and connect underground to an existing
20 transmission line that runs along the hiking
21 trail at the top of the bank.

22 Now, we're going to do this -- and
23 one of the emphases that I will place this
24 morning is the fact that we will do this with a
25 real amount of professional environmental

1 sensitivity. We have a lot to learn in this
2 process and we have a lot to do to make it
3 right, but we're going to do that to the very
4 best ability that we have.

5 Ohio Edison, in supporting this
6 project, also has just recently signed a
7 contract with us to purchase the power for the
8 next 20 years starting with, obviously, when we
9 have construction complete.

10 For those that aren't familiar with
11 this site, you can see on the upper left picture
12 the existing intake structure, which is where
13 the water used to go into the penstock. It's
14 still there, and there's still a grate across
15 the front and a bridge crane structure of a
16 head. The little brick building there is the
17 valve house where the valve used to operate to
18 open and close the water going into that
19 penstock.

20 On the left, you're standing on that
21 platform looking back out onto the water. So
22 probably what we have to do here is to clean up
23 this area, clean up the appearance and remove
24 some of the underwater debris that's lining it.

25 Now, just downstream of the dam, on

1 the other side, if you stand on the observation
2 platform on the north bank, you can see a
3 hydroelectric facility. This was a test
4 facility that was put in some years ago by a
5 prior company. It was just really an outdoor
6 lab; it was never a licensed facility; it was
7 never connected to the grid. They used it to
8 test different turbine designs.

9 Now, that company has gone out of
10 business, and so this sits there, unfortunately,
11 as a bit of an eyesore. We have offered and
12 agreed to remove this facility, so what you will
13 see, this white pipe will be gone, all of this
14 structure will be gone and this whole area
15 cleaned up.

16 You can see just in the trees here --
17 and this, of course, was taken in winter, so you
18 can see in there, you can see the saddles that
19 carry the pipe downstream. And so the only
20 thing you will see is the pipe coming out of the
21 dam and probably even reach over to the first
22 saddle. There will be a support platform, so we
23 put in an extra support. But that's all you'll
24 see at that point.

25 This shows the outlet coming out of

1 the dam. Again, in the upper left picture you
2 can see the dark hole which represents
3 the -- which shows you the hole where the pipe
4 used to come out. There's a 16-inch drain there
5 currently. And standing in that hole, you can
6 look out and you can see the first of the
7 concrete saddles.

8 Here are those saddles going
9 downstream. They're in very good condition.
10 They will need some minor repairs and cleaning
11 out of debris. There's some trees fallen in
12 there, but other than that, they just need
13 refurbishing and they can be put straight back
14 into use.

15 Our plan is to go about 550 feet on
16 those saddles, and then turn off the saddles and
17 go downhill to a bend in the river and put the
18 powerhouse there.

19 Now, a couple key points. The -- I'm
20 standing in -- when I took this photograph on
21 the left -- standing on one of the latter
22 saddles that we would use, and the penstock
23 would then turn down through those trees.

24 This is a view from the opposite
25 bank, again taken in winter, so you can see

1 through the trees. And you can see here there's
2 an abutment, almost a cliff face that is set
3 back from the water about 50 feet. Our plan is
4 to come over the top of the hill vertically into
5 a powerhouse that's tucked up against that hill.
6 These trees along the front will be maintained.

7 The tailrace, the water coming out of
8 the powerhouse, will then come out to the right,
9 and it will be on the south side. That very
10 large rock that's sitting there, that somebody
11 told me yesterday was called the "Butterfly
12 Rock," because somebody had painted a butterfly
13 on it.

14 This is a diagram, and this is
15 different from what was shown in the PAD.
16 There's quite a few points to make here. We've
17 obviously received a lot of help and a lot of
18 input in the last few months, and we have tried
19 to reflect some of that thinking into a
20 different design of approach than perhaps we had
21 published before.

22 Here you can see the intake and the
23 penstock progressing down on the saddles. You
24 get to this point, come off of the saddles and
25 go over the hill into the powerhouse vertically.

1 The powerhouse is set back from the
2 riverbank, which is shown in this blue line, and
3 there's about a 20-foot setback. So all of
4 these trees in here, as I mentioned, would be
5 maintained.

6 Now, one of the things that we have
7 done in the last few months is we have conducted
8 a survey of this area using lasers and also
9 traditional survey techniques to produce for
10 ourselves a three-dimensional CAD drawing that
11 gives a very precise location of all of the
12 topology. We then gave the survey company this
13 drawing and asked them to go in and inventory
14 all of the trees over 6 inches that would be
15 anywhere near this project. So this whole area
16 in here now, we have inventoried the trees. And
17 we have that shown on drawings.

18 Our plan is to put an access road
19 from an existing concrete pad, and this access
20 road would be about the same dimensions as the
21 hiking trail that is currently along the top
22 here, of the same width. About the same width
23 as the new jogging trail in the Sand Run Park.

24 We would come down along here and
25 then create a staging area on the top of this

1 hill. So we will not go down to the riverbank
2 with any equipment. We will use a crane from
3 there. The idea then, of course, is we're
4 avoiding a lot of issues associated with trying
5 to go down that hill with heavy equipment.

6 We will site this access road such
7 that we will cause minimum damage. And that's
8 not difficult to do, because for most of its
9 route, this is an existing pathway and it winds
10 through the trees. Up here there are some trees
11 we need to take account of. But we're going to
12 try to site that access road in such a way as to
13 cause minimum damage.

14 The output power would come via
15 underground cable to the top of the hill and
16 then connect into FirstEnergy's line.

17 As I said, there's a tailrace, which
18 is the water coming out of the powerhouse, which
19 would go off downstream. We've deliberately
20 pointed it that way so as to avoid any
21 additional erosion to the far riverbank by
22 pointing it more downstream, taking advantage of
23 the fact that we're on a small bend.

24 And so it is our desire to use
25 environmentally and socially acceptable

1 solutions, as I said, to minimize the removal of
2 mature growth along the access road, keep away
3 from the riverbank, be sensitive to the soil
4 erosion of the hill and of the river area. We
5 will obviously be compliant with the 404 permit.

6 The next step is something that we
7 have not started on, but that is to create an
8 aesthetically pleasing powerhouse. It's
9 important that we recognize that we're a park
10 and that we want to create something that is
11 consistent with the environment we're in. We're
12 going to try to put it up against the hill as
13 much as possible, use some of the removed rock
14 to help us in shielding it and hiding it and
15 create something that we can be proud of.
16 Manage the water discharge so that we do not
17 cause additional erosion, and install some
18 hillside erosion control in the affected area.
19 Of course, I'm sure there will be some plantings
20 and vegetations.

21 Just to give you an idea of how we
22 manage the water in the river itself. This is
23 called a flow duration curve, which is typical
24 in the industry, and you measure here how much
25 of the percentage of the time does the flow

1 exceed a particular bend. And we use this as
2 part of our planning. We've got about 20 years
3 of data that we have used. Actually, you can
4 have 92 years of data that's available from the
5 USGS gauging station about three and a half to
6 four miles downstream. So that was our source
7 of our data.

8 We took the daily data for the last
9 20 years and plotted this curve. And then as we
10 look at it as hydrologists, we look at the first
11 section, which is the minimum flow. So at all
12 times we keep a minimum flow 100 percent of the
13 time going over the dam as long as there's
14 enough water to do so. So we don't touch that
15 minimum flow.

16 We then take a section of that flow
17 for energy production, and then, of course, you
18 have a significant portion left over of the
19 higher flow that will still go over the dam. We
20 measure the area under this curve, and that
21 tells us how much energy we can make in a year.

22 We have chosen -- there are different
23 technologies that you can utilize in the way of
24 turbines. If you've ever been to Boulder Dam
25 and seen some of the larger turbines, you'll see

1 they're very large machines, they're usually
2 what we call reaction machines. These are
3 machines that are totally emersed in water.
4 They cannot have air in them, otherwise they
5 erode.

6 And so these machines actually
7 somewhat heat the water and do remove oxygen,
8 something that we don't want to see. So we have
9 chosen a particular technology known as a cross
10 flow. And it works on a very simple principle.
11 It's more like a waterwheel with curved blades.
12 It has a drum with a series of curved blades
13 around the exterior. The water hits those
14 curved blades on the top, pushing them to one
15 side out of the way, and the rotor starts to
16 turn. The water falls through the turbine and
17 hits the blades again on the way out. Hence the
18 term cross flow.

19 The beauty of this is that it tends
20 to beat the water. It actually causes a bit of
21 a vacuum and draws air in and increases the
22 dissolved oxygen content of the water. As you
23 can imagine a paddle wheel would do on the back
24 of a boat. So this was somewhat deliberate on
25 our part to try and maintain the DO level in the

1 river.

2 It's also a very quiet machine. Some
3 of these machines can get a little noisy. This
4 one is particularly quiet. You can stand next
5 to it and feel very comfortable and carry on a
6 comfortable conversation.

7 Our project, we think, is about two
8 and a quarter megawatts. We're still flexing
9 that a little bit as we continue to refine the
10 designs. We're going to have two units to
11 maximize the flow so that we can turn one off
12 when we have low flow conditions. We expect to
13 generate between 10,000 to 12,000 megawatt hours
14 a year. And 2.25 megawatts is enough power for
15 about 2,000 homes.

16 Now, a little bit about the process,
17 and I know some of you have been involved in
18 this and already understand it, we filed the
19 pre-application document back in May of this
20 year -- that's a document about this thick,
21 backed up with 650 megabytes of additional
22 information -- showing our plans and our
23 thoughts so far in terms of our intentions,
24 along with what we consider to be some of the
25 concerns and issues that there might be that we

1 need to mitigate or study.

2 And so as part of that, we're in this
3 process today looking at evaluating different
4 studies that would be required for this project,
5 and we are here today sharing that process. We
6 will hold both public meetings and meetings with
7 various involved parties as we go along to look
8 at the individual concerns and to address them
9 as best as we can.

10 In the PAD document -- which some of
11 you have, or if you have not, you can get from
12 our website or from the FERC website -- you'll
13 find a list of some of the issues and concerns
14 that we've already identified. So this is the
15 ones that we've identified ourselves. And we've
16 put them down, this is just a very simple list
17 here showing the resource, whether the impact is
18 beneficial, adverse, potentially adverse or
19 minor.

20 We will look at then the -- some of
21 the issues associated with them. One of them,
22 for instance, in the water is the concern about
23 the combined sewer outlet that belongs to the
24 City of Akron that comes out in the middle of
25 the project. What are we going to do about that

1 CSO? Do we have to reroute it to make sure that
2 we properly dilute the water coming out of it?
3 So these are the sorts of issues that we're
4 trying to address. And I won't go through the
5 details, but you can see there are about three
6 pages of them here.

7 We see the benefits of this project
8 to northeastern Ohio. This is an existing
9 asset. This dam exists. It's expensive and
10 costly to the environment to remove it, so let's
11 put it back to work. So again, we get that
12 beneficial use to our society with an asset that
13 we created. We get green energy generation. As
14 I said, I believe it's the greenest of the
15 green.

16 From an emission offset, this
17 is -- in other words, if you produce power here,
18 you don't need to produce that much power in a
19 coal-fired plant somewhere else. The result of
20 that over the life of the project is one and a
21 quarter billion pounds of CO2 will not go into
22 our atmosphere. So while the project does not
23 sound large, I think all of us agree that these
24 kinds of numbers are significant in terms of
25 polluting our atmosphere. Similar sorts of

1 numbers, three and a half million pounds of
2 nitrogen dioxide and so on. It's equivalent to
3 taking about 10,000 cars out of service. So
4 it's a good thing to do.

5 It gives us daily generation within
6 the load sound which will help support the local
7 system, and it's a stable and predictable energy
8 cost. The 20 years of data gives us the
9 opportunity to project forward and look at what
10 we think, under the average conditions, the
11 average energy that we will generate. And that
12 will fluctuate plus or minus each year depending
13 how much fuel or water God gives us each year.

14 Just a little summary here on the
15 benefits of hydro as we believe it. Hydropower
16 really formed the background, backbone of this
17 country in terms of its infrastructure. If you
18 go to a lot of the paper mills and steel mills
19 in this country, you will find that they have
20 themselves parked close to water and they have
21 their own hydro facilities, because this was
22 their source of power until we invented the
23 national grid.

24 It provides stable, predictable
25 energy on a local basis. There are no waste

1 products associated with it. It doesn't damage
2 the water. There's no consumption of a
3 nonrenewable resource. And in this case, we
4 have a limiting impact because we're using an
5 existing structure.

6 Thank you.

7 MR. KONNERT: Okay. Thank you,
8 David.

9 All right. Along with the
10 applicant's proposal, we're going to be
11 analyzing two other alternatives in our
12 evaluation of this project. One of them is
13 staff's modification of the proposed action, and
14 this is where we will consider and assess all
15 alternative recommendations for operational or
16 facility modifications, as well as protection,
17 mitigation and enhancement measures identified
18 by staff, agencies, Indian tribes,
19 nongovernmental organizations and also the
20 general public.

21 The third alternative is the "no
22 action" alternative. And this -- under that "no
23 action" alternative, the Commission would deny
24 the license, the project would not be
25 constructed and the site would remain as it is

1 currently. The "no action" alternative is our
2 baseline for comparing the effects of the
3 applicant's proposal, as well as other
4 alternatives that are brought up.

5 Now we're going to very briefly just
6 state what are the resource issues that we
7 identified in our scoping document that you may
8 have picked up outside are, and we're going to
9 each individually give them, depending on our
10 expertise.

11 For water resources, we're going to
12 be looking at the effects of the proposed
13 project construction and operation on water
14 availability and water quality of the Cuyahoga
15 River in the impoundment, the area of the river
16 that's going to be bypassed by the project,
17 which we call the bypassed reach, and downstream
18 of the project.

19 For aquatic resources, we're going to
20 be looking at the effects of project operation
21 on entrainment and turbine-induced mortality of
22 resident and anadromous fishes, as well as
23 American eels. Also the effects of proposed
24 project construction and operation on the
25 quantity and quality of aquatic habitat in the

1 Cuyahoga River in the impoundment, the bypassed
2 reach, as well as downstream of the project.

3 And finally, the effects of the
4 proposed project operation and construction on
5 sedimentation along the Cuyahoga River in the
6 impoundment, the bypassed reach and downstream
7 of the project.

8 I'm going pass this off down to Mike
9 now.

10 MR. SPENCER: Moving next to
11 socioeconomics, we'll be evaluating the effects
12 of this proposed project, construction and
13 operation on employment, local services within
14 the town, the county in the vicinity of the
15 proposed project and also for developmental
16 resources, the effects of any recommended
17 environmental measures on project economics.

18 MR. MURPHY: For geology and
19 soils, we'll be assessing the effects of the
20 proposed project construction on erosion and
21 sedimentation.

22 Terrestrial resources, we'll be
23 studying the effects on terrestrial and wetland
24 resources from removal of three acres of land
25 with construction of the new and improved

1 project facilities.

2 And threatened and endangered
3 species, any effects of the proposed project
4 construction and operation on threatened and
5 endangered species in the vicinity of the
6 project.

7 MR. HANNULA: For recreation
8 resources and land uses, we'll be looking at the
9 adequacy of proposed recreational facilities to
10 provide access to project land and waters.
11 Also, the effects of proposed project
12 construction and operation on existing
13 recreational resources in the project area.

14 For aesthetics, the effects of the
15 proposed project construction and operation on
16 visual resources in the vicinity of the proposed
17 project.

18 MR. KONNERT: Okay. This is a
19 time where we're going to open up the floor to
20 your comments and any statements that you wish
21 to make. Again, I'd like to give the agencies
22 the opportunity to first provide their comments
23 to make sure that they have time to provide
24 them.

25 And please remember, be clear and

1 concise, state your name, your agency if
2 applicable, and come up to the podium before
3 providing your comments. If you don't -- if you
4 provide your comments without coming up to the
5 microphone, there's a chance that they might not
6 be caught and put on the public record. Okay?
7 We'll start off there. Go ahead.

8 MR. SHY: Good morning. My
9 name is Keith Shy. I'm the director secretary
10 of Metro Parks Serving Summit County, and I
11 represent the Board of Park Commissioners.

12 For the record, Metro Parks Serving
13 Summit County is the landowner of the public
14 sewer on this property. The project is
15 proceeding without our consent or support. We
16 have reviewed this proposal and we find it not
17 to be in the best interest of the public.

18 We are opposed to this project, as it
19 will destroy sensitive habitats, lower water
20 quality and impact the recreational value of the
21 Gorge Metro Park.

22 We would reserve a right to amend and
23 add to our comments at a later time.

24 And I have two questions I'd like to
25 ask, one for FERC and one for Advanced Hydro

1 Solutions. The first question is to FERC. For
2 the record, Metro Parks Serving Summit County is
3 a unit of government authorized under Ohio
4 Revised Code Section 1545. We are the owner and
5 public steward of the property on which the
6 project is proposed to be constructed. On June
7 20th of this year, we formally requested to be
8 recognized as an agency with the ability to
9 formally condition a FERC license. We have not
10 received a response and we would request an
11 answer to that.

12 The second question is to Advanced
13 Hydro Solutions. There is a combined sewer
14 outlet that discharges into this section of the
15 river that will be partially dewatered if the
16 project is constructed. This will greatly
17 increase the pollution problems in this stretch
18 of the river. How you address this problem, and
19 do you expect to utilize additional public
20 property to relocate or modify existing CSO
21 structures? Thank you.

22 MR. KONNERT: Thank you. I'm not
23 aware of your request. We can definitely look
24 into that. But in terms of the merits of your
25 request, do you want to talk anything about --

1 MR. BROOKS: Yes. I'm not aware
2 of the request, either. And I assume it's filed
3 with the secretary of the Commission. So what
4 that means is somewhere at FERC it's being
5 looked at and a response will be forthcoming,
6 whether -- I don't have any time frame for that,
7 but I can get back to you on that and just tell
8 you the current status.

9 MR. SHY: Okay. Thank you.

10 MR. SINCLAIR: To respond to the
11 issue associated with a combined sewer outlet,
12 which is number 34 in the Akron sewer system, it
13 comes out about midway between the dam and the
14 proposed powerhouse house location. So one of
15 the issues and concerns that is being addressed
16 here is the -- one of the issues and concerns
17 that's being addressed here is the fact that as
18 the combined sewer outlet would open, which it
19 does if there is more than one-tenth of an inch
20 of rainfall in the city area, and then this
21 flushes raw rainwater and other material into
22 the river. If the powerhouse is running at that
23 time and if there is low-flow river conditions
24 in that reach during that time, there is a
25 concern that you would insufficiently dilute the

1 material in the water coming out of the combined
2 sewer outlet.

3 We are looking to study this issue.
4 We need to study to see when these outflows do
5 occur, and the City of Akron has promised us
6 data to do so. We can then compare that with
7 flow conditions of the river that were
8 experienced at that time to see the extent of
9 the issue and what the bypassing of the water
10 during that reach will do to affect that
11 dilution.

12 If it turns out that we do
13 insufficiently dilute this material -- and even
14 though the City of Akron has said they are going
15 to eliminate the CSO outlets, and aren't
16 planning to do so until 2021 -- and so we will
17 need to find a way to create further dilution.

18 The obvious conclusion that we've
19 come to if we have to do that is to reroute that
20 CSO, which is a 30-inch pipe, down in such a way
21 that it comes out downstream of the powerhouse,
22 and therefore would be fully diluted by all the
23 water available.

24 We do not plan to use additional
25 property to do that. One of the thoughts we

1 have is to actually bury that pipe under the
2 access road for most of that trip. So this is
3 just an idea, but it's certainly very much in
4 our planning and our evaluation process.

5 MR. KONNERT: Please be welcome
6 to come up to the podium. You guys can even
7 create a line if you'd like.

8 MS. AYALASOMAYAJULA: I'm Radha
9 Ayalasangayajula from Rivers Unlimited. I have
10 two questions.

11 The first question, due to the
12 increased soil erosion, if there is increased
13 soil erosion, treatment costs of water treatment
14 downstream would increase, and who pays for
15 those increased treatment costs?

16 And the second question is, is there
17 any evaluation of the increased income and
18 employment generated due to the power plant?
19 And will that increased employment and income
20 come locally, or are you bringing in people from
21 outside? Also, conversely, will there be any
22 loss of income and employment due to perceived
23 recreation losses?

24 Because if there is a loss in
25 recreation, like if you don't have boaters and

1 fisherman and other people recreating locally,
2 that means local businesses lose. And is there
3 any evaluation being done on that? Thank you.

4 MR. KONNERT: Those are
5 definitely resources that we're going to be
6 looking at in terms of looking at the impact
7 that this project is going to be having on the
8 surrounding area. We're going to be looking at
9 socioeconomics, we're going to be looking at
10 soil erosion issues. We're also going to be
11 looking at recreation issues.

12 So again, the reason we're having
13 these meetings today is kind of to get input
14 from you guys. You guys live in the area, you
15 are more familiar with this river than we are,
16 so we want to get the information that we need
17 to properly evaluate the issues surrounding the
18 project.

19 MS. AYALASOMAYAJULA: Right. And due
20 to the increased water treatment costs
21 downstream, who is going to pay for those?

22 MR. KONNERT: I can't answer
23 that.

24 MS. AYALASOMAYAJULA: It may or may
25 not happen, but if there is an increase in

1 erosion, who pays for that? Have you, you know,
2 kind of factored that out in your evaluation?

3 MR. KONNERT: Right. Part of our
4 evaluation process is where we address
5 mitigation measures for any impacts that we may
6 find. So we'll address those.

7 MS. AYALASOMAYAJULA: Thank you.

8 MR. KONNERT: You're welcome.

9 Again, feel free to come up to the
10 microphone.

11 MR. JOHNSON: Thank you. My name
12 is Mike Johnson. I'm the Chief of Natural
13 Resource Management with Metro Parks Serving
14 Summit County.

15 Again, I'd like to state for the
16 record that we have reviewed this preliminary
17 application document and this proposal, and we
18 feel that any potential benefits from the
19 production of hydropower are far outweighed by
20 the environmental costs associated with this
21 project, as well as the loss of aesthetics and
22 recreational value and economic impacts.

23 I have several questions and
24 comments. I have a question for the Metro
25 Hydroelectric Company. Your preliminary

1 application document indicates that the only
2 mitigative measure that you plan to pursue in
3 relation to the removal of four acres of mature
4 forest is the construction of wildlife boxes.

5 Given that only a very small fraction
6 of the resident wildlife population and none of
7 the plant life will utilize these structures,
8 how will you mitigate impacts with regards to
9 the remainder of the ecosystems that will be
10 impacted as a result of your project?

11 I have a comment for FERC. Metro
12 Parks, again, has reviewed this proposal.
13 Again, we disagree with the findings. We
14 believe that it will adversely effect the
15 environment.

16 On June 20th, 2005, we forwarded to
17 FERC a letter that outlines our concerns.
18 Specifically, we would like to request the
19 following studies be undertaken, and we will
20 follow these studies up according to the seven
21 criteria that we outlined yesterday.

22 But specifically, these studies are
23 an ecological inventory according to standard
24 Metro Parks procedures. We have for some time
25 implemented our own procedures for inventorying

1 our parks and natural areas, and these
2 procedures include guidelines for making
3 appropriate land-use recommendations.

4 We request a full wildlife inventory
5 for fish, amphibians, reptiles, birds and
6 mammals. This study should examine the use of
7 this area for migratory, as well as resident
8 species. It should include all four seasons of
9 data over a two-year period.

10 We request a complete botanical
11 survey and vegetation-cover mapping, again,
12 according to Metro Parks' methodologies. We
13 request a full bio criteria study according to
14 Ohio EPA protocols. Any section of this river
15 that is not in attainment of warm water habitat
16 criteria as a result of this proposed hydro
17 plant should be considered a loss under the
18 Clean Water Act and should be mitigated
19 accordingly.

20 We request a full toxicity study of
21 the sediments behind the dam, and specifically
22 with regards to safety procedures that will
23 ensure that the public, as well as the resident
24 wildlife, is not endangered from the possible
25 disturbance of these sediments.

1 We request specialized studies for
2 all rare and endangered species that could
3 potentially be present. We request that all
4 components of this functioning ecosystem that
5 would possibly be taken as a result of this
6 project be mitigated, not just those few species
7 that might take up residence in a bluebird box.

8 I have another comment to FERC. At
9 our workshop yesterday, we discussed the seven
10 steps that agencies and the public must go
11 through to justify a study request. This
12 process places a very high standard upon the
13 public, as we must prove that a study is
14 absolutely necessary before it will be
15 considered by FERC; however, it does not appear
16 to us that this standard applies to FERC, as you
17 determine the level of environmental
18 documentation that is required for a particular
19 project.

20 FERC -- at least to us, it seems that
21 FERC has already determined that an
22 environmental assessment is the more -- is the
23 most appropriate -- is more appropriate than an
24 environmental impact statement. It also seems
25 that you further proposed to shorten the

1 documentation and review process by skipping
2 over a draft EA and proceeding directly to a
3 final. This would seem to imply that important
4 decisions regarding the fate of this project
5 have already been made.

6 Metro Parks Serving Summit County
7 believes that the potential impacts associated
8 with this project are enormous. These impacts
9 include environmental, aesthetic and economic
10 impacts. We request that the environmental
11 documentation for this project be raised to the
12 level of a full environmental impact statement.

13 Should FERC not -- should FERC decide
14 not to pursue -- should FERC still decide to
15 pursue an EA, Metro Parks requests a full and
16 complete explanation as to why, and please cite
17 the studies and reports that you reviewed to
18 make that determination. We ask basically that
19 you apply the same high standards to yourself as
20 you do to the public when considering such a
21 request.

22 Furthermore, regardless of which type
23 of environmental documentation is decided upon,
24 we request that one alternative that be studied
25 is an alternative that would include a scenario

1 involving the removal of the dam, restoration of
2 the river and the full use potential of the
3 area.

4 If this project is licensed, it will
5 prevent a very strong effort to remove dams
6 along the Cuyahoga River. It will prevent this
7 effort for the next 50 years. That is a huge
8 issue, and we believe that because of this, you
9 should include as one of your alternatives a
10 scenario in which the dam is removed.

11 Thank you.

12 MR. KONNERT: How are you doing,
13 Steve?

14 I just want to address Mike's one
15 comment. One of his comments regarding the
16 single and/or the drafting final assessment. We
17 right now have in our process plan -- what
18 basically shows you the dates of each of the
19 steps as it relates to us licensing the Metro
20 Project -- right now we have in there that we're
21 going to be doing a single environmental
22 assessment.

23 Sometimes we do a draft and also a
24 final environmental assessment where we
25 incorporate comments from the public and

1 agencies. As we stated yesterday, we're not
2 saying that we're not going to do the draft and
3 final, but the purpose of this licensing
4 process -- this is a new licensing process for
5 us that we have, where we have a lot more
6 involvement up front, where we're hopefully
7 getting all of the issues out on the table
8 before we actually write up this environmental
9 assessment.

10 The only need for a draft and final
11 is if we get comments that we did not properly
12 evaluate or information that we did not properly
13 evaluate in the first environmental assessment.

14 So again, there's still a chance that
15 we will do a draft and a final, but just for
16 purposes of looking at a process plan, that's
17 why we have the single EA down there, because
18 that's what our goal is. Okay? Thank you.

19 MR. TUCKERMAN: Hi. My name is
20 Steve Tuckerman. I'm representing the State of
21 Ohio Environmental Protection Agency, Division
22 of Surface Water.

23 I want to thank the Commission for
24 the opportunity to comment on this project. We
25 will have more detailed written comments

1 provided before the deadline, and we also
2 anticipate additional comments on the PAD
3 document before the August 30th deadline also.

4 The proposed project will have a
5 significant detrimental impact on the Cuyahoga
6 River. The people of Northeast Ohio, local,
7 state and federal governments have invested
8 significant resources to restore and protect the
9 Cuyahoga River and its watershed. The decision
10 before FERC has deep and long-lasting
11 implications for the continuing restoration of
12 this segment of the Cuyahoga River.

13 Ohio EPA's water resource studies
14 indicate that the Ohio dam has an adverse impact
15 on water quality of the Cuyahoga River. Certain
16 segments of this study area are non-attainment
17 of goals in the Clean Water Act. The intent of
18 the Clean Water Act legislation is clearly
19 stated in the first line of the act which reads:
20 "The objective of this act is to restore and
21 maintain the chemical, physical and biological
22 integrity of the nation's waters."

23 Licensing the proposed project will
24 severely inhibit or even prohibit any progress
25 towards meeting these goals for the duration of

1 the FERC license. There is no mitigation
2 offered for this loss.

3 The lower Cuyahoga River TMDL was
4 completed as required by Section 303 D of the
5 Clean Water Act. There are certain segments
6 that are not currently in maintaining the goals
7 of the act. The Cuyahoga River TMDL was
8 approved by the U.S. EPA in September of 2003.
9 One of the recommendations in the TMDL was to
10 evaluation the feasibility of removing dams on
11 the river. This would include the Ohio Edison
12 Dam.

13 This evaluation must be done before a
14 decision can be made to eliminate the dam
15 removal and potential restoration option for the
16 river; therefore, we believe that the applicant
17 must bear the responsibility to perform a
18 complete and thorough evaluation of the
19 feasibility of removing the Ohio Edison Dam.

20 The study must evaluate, at a
21 minimum, the loss of water resources, continued
22 non-attainment of water quality standards and
23 loss of potential benefits to the community by
24 allowing the dam to remain.

25 The dewatering of the stream segments

1 between the dam and the proposed powerhouse
2 discharged another significant concern. Water
3 resource integrity is dependant upon a complex
4 combination of hazards, and alteration of one
5 important factor such as water flow can have
6 far-reaching and unexpected effects.

7 There must be provisions for adequate
8 pre- and post-monitoring of this aquatic
9 resource to ensure no degradation of either
10 designated uses or existing uses within the
11 dewatered portion of the river. There are no
12 provisions to evaluate and monitor, and if
13 warranted, to mitigate for this potential loss.

14 As I mentioned, we will have more
15 detailed written comments that will be available
16 to you in written form to be posted on your
17 website. And again, we thank you for the
18 opportunity to make these comments.

19 MR. ROBART: Good morning. I'm
20 Don Robart, Mayor of Cuyahoga Falls, and I want
21 to start off by saying first of all, we
22 conceptually have no problem with hydroelectric
23 power. In fact, in terms of green power, we
24 think, as a city, we very well may be on the
25 leading edge, not only in hydroelectric, but

1 also wind turbines, which we are a major
2 stockholder of in a project that's being built
3 currently in Bowling Green, Ohio. And also, we
4 have, for years and years, given away
5 energy-efficient light bulbs, which is probably
6 somewhat unique to our city.

7 But getting back to hydroelectric, we
8 certainly support that. We are the largest
9 single stakeholder in a huge project down the
10 river called the Belleville hydroelectric plant,
11 which opened about 10 years ago. That project
12 was five years in the making, and I can tell you
13 as the vice-chairman of that project, we,
14 environmentally, had to jump through hoops that,
15 quite frankly, sometimes became rather
16 frustrating and protracted; but in the end, we
17 knew that those steps were not only necessary,
18 but best for our environment's long haul.

19 We did jump through all those hoops,
20 and today we have a very viable project down on
21 the Ohio River, which will serve our community
22 and many communities for generations to come.

23 Our reservation today is largely as a
24 result of the perception we have that the
25 environmental needs of this project have not

1 been looked into or certainly met. The fact
2 that Metro Parks would get up here and object is
3 very, very telling to me. It tells me that
4 their questions, concerns, objections have not
5 been met. They have been ignored, and that's,
6 quite frankly, to our city, unacceptable. We've
7 had a wonderful, wonderful relationship with our
8 Metro Parks. They are, indeed, the moral
9 compass for the recreational needs of this
10 general area.

11 Also, the Friends of the Crooked
12 River with Elaine Marsh here, they also have a
13 moral compass for our great river, which is one
14 of the heritage, great heritage rivers that's
15 been designated a couple of years ago. So
16 obviously, we have deep reservations about that.

17 And finally, it seems to me that with
18 the EPA's role recently coming down the Ohio
19 River looking to eliminate dams as they have
20 done in Kent and more recently in Munroe Falls,
21 obviously, we can see the handwriting the wall.

22 We have two falls in our city that
23 are -- we would suspect are in jeopardy, and we
24 have at least preliminarily looked at the
25 possibility of those being eliminated, again,

1 for environmental needs, which would lead you to
2 the next one, which would be the Gorge project.
3 And I might say rather parenthetically that if
4 that dam is removed, interestingly enough -- and
5 I doubt most people are aware of this, but the
6 actual falls our city was named from would be
7 visible for the first time, because those were
8 covered over when the dam was built. And the
9 falls that you now see were -- they're prior to,
10 but we're not named for.

11 So we have some concerns there as
12 well. So Cuyahoga Falls will certainly restrict
13 our support of this until all the issues are met
14 through the Metro Parks, the Crooked River and
15 the other environmental concerns. And until
16 those are met, we will oppose this project.

17 MR. WHITED: Dave Whited, Metro
18 Parks Serving Summit County. I'm the Chief of
19 the Planning Department. I have a couple of
20 questions and comments for Metro Hydroelectric.

21 Have you considered other sites
22 within the Gorge Valley for the construction of
23 the actual hydro plant? Specifically, would it
24 be possible to construct it closer to the dam?
25 That's number one.

1 Number two, how is it possible to
2 construct a facility of this nature on nearly
3 vertical slopes? Soils in the Gorge Metro Park
4 are prone to severe erosion, as we witnessed
5 downstream of here. Specifically, how would you
6 address these concerns during and after
7 construction?

8 Third, the project will take away a
9 significant amount of public green space for
10 production of a small amount of energy. How
11 will you compensate the public for this taking?

12 Four, hydroelectric -- Metro
13 Hydroelectric has promoted this as the chief
14 energy. Should the public expect to see a
15 decrease in their electric bills, and could you
16 elaborate on that?

17 And lastly, if a license is granted
18 to Metro Hydroelectric, does this commit them to
19 construction? How long can they hold on
20 construction before the license expires? Could
21 mere licensing of the dam, regardless of whether
22 or not a power plant is constructed, delay any
23 discussion for the possibility of removal of the
24 dam? Thank you.

25 MR. KONNERT: Do you want to

1 address it?

2 MR. SINCLAIR: No.

3 MR. WHIDDEN: Good morning. My
4 name is Gary Whidden, and I'm a trustee for the
5 Cuyahoga Valley Communities Council, which is
6 a -- well, in fact, I'm going to read exactly
7 what it is, because it's much easier to say what
8 it is.

9 The mission of the Cuyahoga Valley
10 Communities Council is to provide a forum
11 through which it may assist, promote and
12 coordinate the efforts of its participating
13 units of government for the restoration,
14 preservation and enhancement of natural,
15 historic, cultural, recreational and economic
16 resources of the region of the Cuyahoga Valley
17 from Akron to Cleveland.

18 Some of our members are Akron City,
19 Bath Township, Bedford City, Boston Township,
20 Boston Heights, Brecksville City, Cuyahoga Falls
21 City, Fairlawn City, Hudson City, Independence
22 City, Northfield Center City, Peninsula Village,
23 Richfield Township, Richfield Village, Sagamore
24 Hills, Valley View, Walton Hills.

25 Some of our school district units are

1 Brecksville, Broadview Heights, Cuyahoga
2 Heights, Cuyahoga Valley Community Center,
3 Hudson, Nardon Hills, Revere, Woodridge.

4 Some of our county units are Cuyahoga
5 County and Summit County. Some of our park
6 units are Cleveland Metro Parks, Metro Parks
7 Serving Summit County and our National Park
8 Service in the form of the Cuyahoga Valley
9 Communities Council.

10 Because of this fast-track method,
11 the council has not really been able to act on
12 this, and we're going to try to get a written
13 report by the deadline; but I want to make just
14 one statement, and that is, our council members
15 would be very concerned about any project that
16 would last for 50 years and prevent the
17 rehabilitation of the river in that area or
18 downstream.

19 Many of these communities and units
20 of government have spent millions of dollars and
21 have worked very hard to enhance and improve
22 their connection with the Towpath and the river.
23 So please take them into consideration when
24 you're reviewing this request. Thank you.

25 MS. HUG-ANDERSON: Good morning. My

1 name is Joan Hug-Anderson. I'm the urban stream
2 specialist with the Summit Soil and Water
3 Conservation District. I do thank you for the
4 opportunity to comment this morning.

5 I'd like to start off by reading our
6 mission statement at the agency. Summit Soil
7 and Water, we're committed to protection of land
8 and water resources. And here is our statement:
9 The mission of the Summit SWCD is to provide
10 local leadership and technical assistance for
11 innovative programs to conserve soil, improve
12 water quality and enhance the natural resources
13 of Summit County.

14 And it is the view of our agency that
15 this proposed Ohio Edison Gorge Dam Metro
16 Hydroelectric Project is counter to the efforts
17 of our agency to protect and preserve our
18 precious water quality.

19 I'd like to mention a couple other
20 things. Our view is based on the fact that this
21 dam has been in existence for 90-plus years.
22 What effects does an impoundment have on a
23 free-flowing river? I would like to refer to a
24 point in the pre-application document,
25 specifically section 3.1.3.5, which addresses

1 water quality standards. To quote from the PAD,
2 "Biological index scores decreased from Lake
3 Rockwell to the City of Akron, an area upstream
4 of the dam. Organic enrichment, nutrient
5 enrichment, low dissolved oxygen, flow
6 alteration in the upstream dams and diversions
7 and habitat modification associated with
8 reservoir releases were considered to be the
9 primary cause of these impairments."

10 I stress this: "Again, this affected
11 area is upstream of the impoundment and affects
12 water quality at the Ohio Edison Dam -- Gorge
13 Dam, although it is not caused by the dam."

14 So while upstream dams were
15 implicated for poor water quality, what studies
16 were done at the dam itself? And I would place
17 that burden on the applicant to do these
18 studies.

19 I'd just like to draw this to a close
20 by pointing out some of the common impairments
21 that are part and parcel of impounded water, aka
22 stagnating water that we see in northeastern
23 Ohio this time of year.

24 First and foremost, low dissolved
25 oxygen concentrations in the surface of the

1 sediment, in tandem with that, increased
2 nutrient concentrations generated at sediment
3 water interface, where there is little or no
4 oxygen in the sediment interface.

5 Artificially reduced sediment load in
6 the downstream water of the dam, this creates an
7 imbalance of flow, and the river attempts to
8 correct it by eroding downstream channels and
9 banks. Have you considered the impact that this
10 has had over 90 years when you look at the
11 stream banks and riverbanks of the Cuyahoga?

12 Sediment reduction includes falling
13 out of particles such as gravels and cobbles.
14 This provides habitat downstream. It's all
15 being caught behind the dam. Alteration of
16 hydrology. What has this done to our
17 groundwater over the years? And overall, you're
18 not just impounding water, you're changing flow.
19 You're altering water temperature, nutrient
20 loading, turbidity and concentration of metals
21 and minerals. And I just would like to know how
22 this -- just a very general question, if this is
23 going to be part of your study in evaluating
24 whether or not this dam should be allowed to
25 persist for the next 50 years? Thank you for

1 your comments.

2 MR. JEROME: Do you need to
3 address her?

4 MR. KONNERT: In terms of the
5 sedimentation issues, we're going to be looking
6 at the historical record in terms of impact of
7 that dam on the river. That is something that
8 we will be looking at in the environmental
9 assessment.

10 And also, possibly there might be
11 studies that maybe need to be conducted to
12 determine -- answer some of the questions that
13 you may have regarding that.

14 MR. JEROME: My name is Phillip
15 D. Jerome, lifelong resident of Cuyahoga Falls.

16 My only request would be concurring
17 with the lowering of the dam in Munroe Falls and
18 how you're going to assess what the affects are
19 on your project versus theirs, such as
20 biological oxygen demand, chemical oxygen
21 demand, how you're going to determine who is
22 inferring problems with the river if, indeed
23 that would occur. And are you working in
24 conjunction with the lowering of the Munroe
25 Falls dam?

1 MR. KONNERT: One of the things
2 that we do look at is what we call cumulative
3 effects, which is a resource that might be
4 affected not just by that project that we're
5 licensing, but also other things on the river
6 that might be going on. That is something that
7 we'll be looking at in trying to determine, is
8 try to tease out what effects this project would
9 have on dissolved oxygen levels and how much of
10 that would be affected by this other project.
11 We're going to be taking all of that into
12 account. So, yes.

13 MR. CURTIS: My name is Rob
14 Curtis. I'm park biologist for Metro Parks
15 Serving Summit County, and I'm responsible for
16 inventorying our parks. My comments
17 specifically refer to the terrestrial habitats
18 in the park.

19 To piggyback what Joan Hug-Anderson's
20 comment was regarding the dam, I'd also like to
21 add that that dam has taken a number of acres of
22 terrestrial habitat beneath the water table now
23 that's directly adjacent to federally and state
24 listed species.

25 You're aware that the 144 acre Gorge

1 Park in which your proposed project is planned
2 contains a known population of
3 federally-threatened Northern Monkshood. Only
4 one of several range-wide sites harbor
5 populations of this species.

6 In addition, the state-endangered
7 Wood-Reed grass, the species thought to be
8 extubated from the state, is also located in the
9 park, making a total of nine state and federally
10 listed species in the park, with potential for
11 further discovery, because this park has not
12 been formally inventoried by us at this point.

13 One of the reasons the park has such
14 high concentration of listed species, as well as
15 numerous rare and regionally unique species,
16 especially considering its urban location, is
17 the geology of the site. As you noted in your
18 PAD document, rare northern species find refuge
19 here due to the cool mild climates afforded by
20 the Gorge environment.

21 These conditions are typical
22 throughout the Gorge Metro Park, and are usually
23 magnified on northern slopes in this hemisphere.
24 The location of your facility will impact the
25 only north-facing slope of the park with springs

1 and seeps that provide habitat and possibility
2 for expansion of our most endangered residents.

3 In section 3.3.5 in your PAD
4 document, you made the case it impacts --
5 approximately three acres of terrestrial habitat
6 are minor due to the urban setting and small
7 size of the park. In my opinion, you appear to
8 be using reverse logic, because the urban nature
9 of the area in combination of the small size of
10 the park, and especially considering the high
11 concentration of rare and listed species, makes
12 the area even more valuable and susceptible to
13 even minor impacts.

14 Using your logic, we would conclude
15 that because the earth is riddled with
16 anthropogenic effects, the remaining islands of
17 diversity can be taken with only minor impacts.
18 Do you understand the sustained impacts about 35
19 acres of park caused by your dam -- pardon me.

20 Due to sustained impacts to about 35
21 acres of the park caused by your dam, we have
22 only about 100 acres of natural area remaining?

23 Do you also know that considering
24 these 100 acres contain nine known listed
25 species, as well as numerous rare and unique

1 species in the region, the natural areas of the
2 park ranked in the upper 1 percentile of all the
3 nearly 9,000 acres that we've identified at this
4 point?

5 Indeed, the fact that you are
6 impacting three acres of mature forest with
7 numerous old growth trees in the vicinity,
8 considering the urban setting, small size and
9 high quality, the nature of the park compounds
10 the impacts to the local ecology. And, you
11 know, that in consideration of your mitigation
12 using nest boxes, in my opinion, is a
13 total -- totally ludicrous.

14 You're finding of the wet -- of no
15 wetlands in section 3.4.5 of your PAD in the
16 project area is in error in your own words,
17 because in section 3.1.7, you state that the
18 area may contain endangered species such as
19 Monkshood and a Wood-Reed grass due to the seeps
20 and wet springs in the area.

21 In the state of Ohio, these wetlands
22 are under jurisdiction of state and federal
23 authority. Category 3 wetlands cannot be
24 impacted without demonstrated public need; and
25 there is potential, considering the location of

1 the species and the park and the buffers in the
2 area, that these wetlands may be category 3
3 systems.

4 MS. MANCHESTER: Hi. My name is
5 Michelle Manchester, and I'm representing Summit
6 County Council. Summit County Council supports
7 the Metro Parks and the Friends of the Crooked
8 River in opposing the permit application of
9 Metro Hydroelectric.

10 Our legislation will be introduced
11 this Monday, and we have 5 out of 11 council
12 members cosponsoring the legislation. We
13 haven't confirmed cosponsorship with the others
14 to date, and we cannot guarantee the passage,
15 but we do anticipate that it's going to pass
16 Monday. Certified copies of the legislation
17 will be sent to FERC, Metro Parks and the
18 Friends of the Crooked River.

19 MR. WHITE: Good morning,
20 ladies and gentlemen of the panel this morning.
21 I appreciate your time this morning.

22 My name is James White. I am wearing
23 two hats today. I'm the executive director of
24 the Cuyahoga River Remedial Action Plan, and I'm
25 also the federally-designated river navigator

1 for the Cuyahoga American Heritage River
2 Initiative. And if you give me a little
3 forbearance, I have two sets of presentations
4 that I'm going to offer, one from the RAP, the
5 Remedial Action Plan, and one from the Cuyahoga
6 River -- American Heritage River.

7 We have submitted our comments in
8 writing to you, and so I'm repeating stuff that
9 you should have received in early June relevant
10 to the RAP comments.

11 The Cuyahoga River is unique in its
12 history in the United States because it played
13 an important role in both the formation of the
14 United States CPA, the creation of the Clean
15 Water Act, and the -- 1985, the Cuyahoga was one
16 of 42 areas of concern that were designated by
17 the International Drain Commission between the
18 United States and Canada.

19 The creation of the Remedial Action
20 Plan is to restore this river and all the other
21 rivers that are AOCs. It has played an enormous
22 part in the attention of communities,
23 stakeholders, business and community interests
24 throughout the Great Lakes.

25 In 1998, as I mentioned, President

1 Clinton designated the Cuyahoga as one of only
2 14 American heritage rivers, and that provides a
3 unique status in terms of our relationship with
4 certain federal agencies, federal sponsorship,
5 and certainly federal and community partnerships
6 to restore both the economic, cultural and
7 environmental integrity of the entire watershed
8 and river.

9 Having said that, I wanted to pass on
10 some comments from the RAP coordinated
11 committee. One thing you should know is that
12 the RAP coordinating committee members are
13 appointed by the director of Ohio EPA, and
14 several of them are represented here in this
15 room today.

16 And I should also tell you, too, that
17 the people that you heard from from Summit
18 County, from the Metro Parks, and a lot of the
19 related agencies are the heart and soul of the
20 restoration of the Cuyahoga River, and you
21 should take their comments very seriously as you
22 consider this permit application.

23 The -- I want you to clearly
24 understand that there is a federally-mandated
25 TMDL in place for the lower Cuyahoga. The

1 Remedial Action Plan for the lower Cuyahoga
2 literally addresses the removal of the dams that
3 exist on the river. So your comment earlier
4 about the do-nothing status is an inappropriate
5 position, because the removal of the dam is
6 where the planning and investment of the
7 community resources is focused, not just on the
8 preservation of the existing status quo of the
9 impounds on the river.

10 I would like to note to you that over
11 \$2 billion is being spent -- is being committed
12 to being spent by the two regional sewer
13 districts, both Akron Utilities and the
14 Northeast Ohio Regional Sewer Districts, to deal
15 with the CSO problem. And this is a 20 to 30
16 year expenditure, and it's going to have a
17 direct impact on the rate structure that people
18 pay to drain into the Cuyahoga River watershed.

19 It does seem absolutely inconceivable
20 that this kind of public expenditure could be
21 negated by the continued presence of a permit
22 for the continued presence of the Edison Dam for
23 generating such a minor amount of electricity.

24 Under motion and unanimous approval,
25 the RAP coordinating committee also noted the

1 following items need to be addressed, and you
2 have these in writing: There would be no
3 adverse impact on repairing zone during
4 construction or operation. There would be no
5 increase in water temperature from water flowing
6 through the penstocks and powerhouse.

7 Benchmarked water quality data would
8 be collected, including dissolved oxygen,
9 suspended solids, water temperature, and ongoing
10 monitoring should be conducted and reported in
11 manners consistent with the Ohio EPA credible
12 data protocols. The sediment behind the dam
13 should be evaluated for PHA, mercury, PCPs, and
14 appropriate mitigation efforts taken for their
15 contaminant removal.

16 The adequate minimum flow rate would
17 be maintained in the river during low flow or
18 rough conditions. Fish would be protected from
19 entering the turbine. And further, the
20 committee noted its concern that the actual
21 environmental consequences have been understated
22 in the preliminary documents provided by the
23 applicant, and substantially outweigh the
24 economic benefits that this project might
25 develop. And we expect that the FERC, the staff

1 and the Commission itself will appropriately
2 address these issues.

3 And those are the comments on behalf
4 of the Remedial Action Plan.

5 To follow up on that, I'd like to
6 offer a few additional comments from the
7 community partners of the American Heritage
8 Initiative.

9 We've already discussed the TMDL, and
10 I'd just like to also address the fact that
11 there's a newly released Great Lakes regional
12 collaborative, which is a nationally prepared
13 plan under the direction of the president and
14 the White House and federal agencies to address
15 the long-term emphasis for the restoration of
16 the Great Lakes.

17 In that draft plan, there's
18 substantial emphasis on removal of -- on
19 restoration of areas of concern, and also
20 including the removal of toxic sediments in
21 areas of concern.

22 Dams on the Cuyahoga are being
23 removed. Two dams -- one has been bypassed and
24 one is being lowered, another is being studied.
25 And we consider the Edison Dam to be a critical

1 feature that needs to be treated, and we think
2 there will substantial federal funding to assist
3 in removing toxic sediments. So to suggest that
4 it's too costly to remove the sediment or remove
5 that dam going forward in the next 20 to 50
6 years is an inaccurate, incomplete statement
7 given the current status of the proposed plan by
8 the federal government.

9 We've already mentioned the
10 substantial community expenditures to restore
11 the overall functionality of the river. And we
12 and many of our partners in this room have
13 received federal and state grants to promote the
14 restoration of the river in numerous ways; and
15 they've been awarded for a wide variety of
16 community stakeholders.

17 The long-term continued presence of
18 the Edison Dam is inconsistent with these plans
19 and records, and would negate the beneficial
20 effects of any of these expenditures. The
21 economic value of the amount of electricity
22 produced is vastly outweighed by the
23 environmental costs to the communities in the
24 watershed.

25 And I hope in your socioeconomic

1 analysis, in your engineering analysis, that you
2 carefully add up the costs that have been
3 invested and plan to be invested for the
4 restoration of this river relative to the
5 production of electricity that's proposed here.

6 Additionally, the environmental
7 motivation of FirstEnergy as a related party to
8 this project is a concern, because FirstEnergy
9 has a disappointing record of --
10 environmental record regarding the watershed.

11 FirstEnergy has been reported to
12 produce significant amounts of mercury from
13 coal-fired power plants, which produce a
14 pernicious and extended impact on both -- on
15 fish tissue and fish consumption both in our
16 watershed and in the Great Lakes.

17 FirstEnergy was identified to have
18 been responsible for the biggest single one-day
19 pollution event in the history of the Great
20 Lakes as a result of its power outage in August
21 of 2003.

22 And by supporting this hydropower
23 station, we understand that FirstEnergy can
24 avoid, for up to 50 years, any costs it may have
25 had to bear associated with the removal and

1 disposal of contaminated sediments held behind
2 the Edison Dam, even while communities and sewer
3 districts and sewer utilities have spent
4 multibillions to restore the river. This is an
5 unacceptable undermining of community
6 restoration investments.

7 If there is a goal to develop
8 additional sources of electric power production,
9 then wind power should be thoroughly examined as
10 a more effective, more sustainable and more
11 economical alternative.

12 We are advised, and I think it's been
13 reported by others here, that there are four
14 existing wind turbines that have been installed
15 in Bowling Green, Ohio, of which some of our
16 stakeholding partners have invested. Each
17 turbine produces approximately 1.8 megawatts;
18 and starting this week, wind studies on the
19 Cleveland waterfront are beginning to evaluate
20 the feasibility of additional turbines in the
21 near-shore areas of lake area. The results of
22 this analysis should be included in any
23 evaluation of this project.

24 The technical data and environmental
25 analysis offered by the applicant so far is

1 inadequate and incomplete, and the objections
2 raised by our Metro Park Friends Serving Summit
3 County are legitimate and need to be addressed.

4 We understand that the hydrologic
5 flow regimes to the river are managed by the
6 City of Akron to moderate drinking water supply
7 and offer inadequate flow levels to sustain
8 diversion for electric generated during the
9 summer peak periods, even when the potential
10 economic benefit would be highest.

11 In other words, the 20-year
12 hydrograph that was proposed in no way actually
13 measures the flow of this being discharged from
14 Lake Rockwell in the amount of a water flow that
15 would be available to really provide a
16 substantial economic benefit. It's very
17 important that you study the correct
18 hydrographs, and not the ones that are three or
19 four miles downstream of a substantially higher
20 territory receiving water.

21 So anyway, we expect the Federal
22 Energy Regulatory Commission will ensure that
23 these issues will be addressed and resolved to
24 the satisfaction of the restoration community
25 and the Cuyahoga River as part of your overall

1 evaluation process. So thank you for your time,
2 and I appreciate your attention.

3 MR. CARROLL: Good morning. My
4 name is Bill Carroll, Deputy Superintendent at
5 Cuyahoga Valley National Park, and we are
6 downstream of the proposed project.

7 The National Park Service will be
8 submitting very detailed comments on the
9 proposed plan by the deadline, but there are two
10 points we would like to make today.

11 We are in support of an expanded
12 compliance process. To wit, we believe an
13 environmental impact statement is the
14 appropriate vehicle to analyze a wider range of
15 alternatives.

16 And secondly, we would like the
17 alternative of dam removal to be considered in
18 that process. Thank you.

19 MR. BURNS: Hello. My name is
20 David Burns. I'm a resident of the area that
21 would be directly affected by such. I live
22 about a block from the proposed site of the
23 Gorge. I was raised in that area, I know the
24 Gorge very intimately. I played there, it was
25 my playground. I wasn't supposed to, but I

1 played there. I know it very well.

2 I know it's been an eyesore since I
3 was a very young child. And in 1976, I believe,
4 it seemed as though a cleanup process had
5 started, and that was when the pipe was removed
6 that fed the old power plant on downstream.
7 However, since then -- that was when I was about
8 13. I'm 42 now -- the eyesore remains. Not
9 just an eyesore, I think it kind of causes a
10 real problem with the stagnation of the water
11 between there and up river.

12 I think the whole issue here is -- my
13 question is, how does it even get to this point
14 that we're sitting here having this meeting
15 today? We raise our children to respect law
16 enforcement, park rangers and such, and yet
17 those same people have adamantly spoken out
18 against this whole project, and yet our federal
19 government is not even respecting that. So I
20 ask myself, it was just a shoe-in, right? Is
21 that what we're doing here? That for a measly
22 2 megawatts, we're going to allow the habitat
23 down there to be adversely affected?

24 I think a better alternative is let's
25 make Edison/FirstEnergy do what their liability

1 really has been, and that's clean up the river.
2 They've abandoned the power plant nearly maybe
3 10 or 15 years ago, the coal generating plant up
4 river, that our government from federal to local
5 levels has allowed to just stand. It's not only
6 an eyesore, it's a toxic dump.

7 The same with the dam. And what's
8 with the federal funds? Why should the taxpayer
9 pay to even clean such up -- and speaking of the
10 federal funds that are available to extricate
11 this dam and remove it, Edison built it, or
12 their predecessors. It's their liability.

13 And we speak about how the -- they
14 have the right to lease this property, that that
15 was one of the things when they put the
16 custodial care of it to the parks. Well, every
17 day -- I mean, we just had a ruling within the
18 federal government somewhere up in Jersey or
19 something to uphold the eminent domain laws. We
20 just extend the eminent domain. Amongst the
21 public, we can take their property for anything
22 that the government deems is necessary. It's
23 better for revenues, we'll mow your houses down,
24 we'll build plazas, because there's more taxes
25 to be generated.

1 But yet that same doesn't apply to
2 business. Because if it did, wouldn't we long
3 ago have taken Edison's property and said,
4 listen this not only is an eyesore, it's a
5 threat to the habitat around and the people that
6 live amongst it, and take property and take care
7 of it and make it something that we can all use
8 instead of what it is, and that's a threat to
9 all of us.

10 And so for 2 megawatts, what are
11 we -- what are we thinking here? I really don't
12 even think it's about the power generation. I
13 think it's the whole thing of FirstEnergy and
14 their tentacles within the federal government
15 that the bottom line is it's their way of a
16 50-year -- a half a century of releasing
17 themselves from liability. Because I truly
18 believe within the permit process, even if
19 generation never occurs, that we'll -- it will
20 exempt FirstEnergy from that liability of
21 cleaning up that site.

22 And the reality is that if we remove
23 that dam -- you talk about generating jobs.
24 I've read a cost estimated in the 60 million
25 range. Well, that's chump change for

1 FirstEnergy. Their profits are terrific right
2 now. So the reality is -- the jobs we can
3 generate from doing the right thing for the
4 river. The river's been a real problem, and I
5 think the green folks are in the right direction
6 with wanting to clean the river up; but this
7 surely is one of the biggest sites, it's one of
8 the biggest problems on that river. It
9 definitely withholds the most amount of water of
10 any of the dams, I would imagine, throughout the
11 river system.

12 And again, how long is long enough
13 for it to sit idle? It's half a century since
14 it's generated power, and yet we're looking to
15 convey the rights to it to someone for another
16 half a century and allow the unsightly mess to
17 continue down there in the Gorge Park.

18 If our kids should listen to the
19 rangers, shouldn't the government have some
20 respect for what the Metro Parks are sitting
21 here speaking about adamantly? Thank you.

22 MR. KONNERT: I just want to
23 clarify one thing. Thank you for your comments,
24 we appreciate them. This is why we are having
25 this licensing process. No decisions have been

1 made. Okay? We haven't issued a license for
2 this project. What we're doing now is trying to
3 gather the information from you to make the best
4 determination. Okay? So we appreciate your
5 comments and we do respect them.

6 MS. SCHREIBER: Good morning. I'm
7 Mae Schreiber, secretary of Friends of the
8 Crooked River. I will give a brief history of
9 the Ohio Edison Dam as a background for some of
10 the questions that I'm going to ask.

11 I began the Ohio Edison history with
12 a quote from George Santayana who states, "Those
13 who cannot remember the past are condemned to
14 repeat it."

15 The Ohio Edison Dam began producing
16 electricity in 1913 and stopped operations in
17 1958. In the mid-1970s, a study was conducted
18 for the Cuyahoga Falls that showed the river
19 fluctuated too much throughout the year to
20 justify converting the dam. According to the
21 former Cuyahoga Falls mayor, Robert Quirk, we
22 decided it wouldn't even produce enough
23 electricity to light the downtown.

24 Then in the early 1980s, Ohio Edison
25 got serious. They spent \$3.4 million to rework

1 the dam, but estimated the cost of revamping the
2 facility at 6 to \$8 billion.

3 In 1985, Akron Associates filed a
4 preliminary permit application with FERC. And
5 nothing came of that permit. Then again in
6 1988, we have the Cuyahoga Falls Hydro
7 Associates asking FERC for a preliminary permit.
8 And again, nothing came of that. Then in 1996,
9 Allan M. Kuivila and his Akron Hydroelectric
10 Company claimed that a powerhouse was needed by
11 the public. And he went to court and he -- the
12 case was dismissed.

13 Then in 1998, we have Universal
14 Electric Power Company, headed by the
15 Feltenberger brothers, who installed a \$400,000
16 pilot project at the Ohio Edison Dam, and no
17 approval was needed to install this pilot
18 facility. They claimed that low-cost
19 electricity could be produced, and hydro is a
20 very attractive, efficient and environmentally
21 friendly energy source.

22 However, in 1999, according to
23 Crane's Cleveland Business June 14th issue, Ron
24 Feltenberger acknowledged that a
25 commercial-sized power plant using the company's

1 technology wouldn't work on smaller Midwest
2 rivers such as the Cuyahoga.

3 Now, in 2000, Universal Electric
4 Power had securities problems with the State of
5 Ohio and the brothers Bruce and Ron had to
6 return money to the investors.

7 Now we come to 2003, Metro
8 Hydroelectric, a subsidiary of Advanced Hydro
9 Solutions, filed for a hydroelectric
10 application. Now, in conclusion from this brief
11 history, many have evaluated the feasibility of
12 generating hydroelectricity from this dam, and
13 have determined the project not economically
14 viable.

15 My question is for Hydro -- Advanced
16 Hydro Solutions, what is your track record? And
17 can you point to any of your completed projects
18 where electricity is being generated in a
19 socially responsible and environmentally neutral
20 way, and one that will blend suitably with the
21 environment according to your philosophy on your
22 website?

23 And my second question is -- oh, with
24 that philosophy, we'd like to visit the facility
25 if you have one.

1 And then question two, if this power
2 plant is constructed and eventually fails, is
3 the license made invalid? And if Metro
4 Hydroelectric goes bankrupt, who is responsible
5 for the constructed facilities? Because we
6 don't want to have the leftovers as an eyesore
7 as the previous person stated. Thank you.

8 MR. SCHULTZ: Good morning. I'm
9 Don Schultz, Ohio professional engineer,
10 representing Friends of the Crooked River.

11 There's quite a bit of controversy
12 going on right now as to how much power can
13 actually be generated by this facility. We've
14 done our own study, and we feel that the amount
15 of water that's actually available is
16 significantly less than what Advanced Hydro has
17 stated.

18 So we decided, instead of arguing
19 back and forth on this issue, we decided to go
20 into the historic record and see just what the
21 dam has done in the past. And we found back
22 in -- we found some historic data from Ohio
23 Edison from 1942. This is a rather unique year.
24 1942, the military industrial complex was in
25 full swing for World War II. As a consequence,

1 we had a power -- nationwide power shortage that
2 year. Power was in such short supply even that
3 they turned off the arc lights at Niagara Falls
4 that particular year to conserve power.

5 That year was also a year of
6 exceptionally high flow in the Cuyahoga River.
7 Well above average. That year, Ohio Edison had
8 three 650 kilowatt generators installed
9 available for power production. That adds up to
10 only 1.95 megs, by the way.

11 When the -- as Mae mentioned this
12 morning, also when the plant was built in 1913,
13 simultaneously with that they also built a steam
14 power plant on the dam pool. And at that time
15 they installed three 9 megawatt boilers for
16 generating electric power. So actually, they
17 knew when they were building the dam that they
18 didn't have enough power. And they built
19 it -- simultaneously built a steam power plant
20 with it because the dam would produce such
21 little power.

22 I'd like to ask the Advanced Hydro
23 folks what they suspect was the actual annual
24 production for electric power on that dam in
25 1942.

1 MR. KONNERT: They don't have a
2 comment.

3 MR. SCHULTZ: Okay. It actually
4 turned out to be 7.8 gigawatts, which is well
5 below your break-even point that you mentioned
6 yesterday for electric power generation.

7 And keep in mind, now, this is with a
8 hydroelectric facility with at least 20 percent
9 greater head than you folks have and
10 significantly lower flows than you folks have.
11 At that point I think you may want to reevaluate
12 the economics of your project.

13 Going on further, it appears that
14 we'd also like to see what kind of automatic
15 controls you're going to have for controlling
16 the minimum flow over the dam. And since at the
17 present time you do not have permission to move
18 the CSO, what kind of controls are you going to
19 have for -- probably having to cease your
20 operation during times when the CSO trips open?
21 We suspect that the Ohio EPA will probably
22 require you to shut down whenever the CSO trips.

23 Also, we've been looking at your
24 facility, your layout, and we suspect you may
25 have a technical issue with cavitation in your

1 penstock. You're running significantly higher
2 flows at lower head than it was designed.
3 Original design for Ohio -- Northern Ohio
4 Traction & Light's facilities.

5 Cavitation, as you know, can be
6 catastrophic. The first problem is where you
7 turn down the hill, your elbow there, and you
8 have another elbow where you go into the
9 turbines themselves.

10 There's also the issue of being a
11 good neighbor, because you have residences on
12 both sides of the Gorge. Noise becomes an issue
13 at that point. You stated your facility is
14 quiet, but at the same time, you're also
15 discharging upwards of 500 cubic feet a second
16 of water into the river. And how do you do that
17 quietly? I suspect you may have some potential
18 problems with the neighbors. You need to be
19 addressing that one also.

20 We would also like to see that a
21 provision be in the licensing agreement
22 preventing them from drawing down the dam pool.
23 They stated yesterday, for example, that they've
24 got to keep the dam face wet, but that's not a
25 big technical issue, because you can put a spray

1 bar in to keep the dam face wet with very little
2 water.

3 You can also meet the minimum flow
4 requirements through the dam by siphoning some
5 water over the dam. It still allows you to draw
6 the dam pool down. So I would like to see a
7 provision in there preventing the dam pool from
8 being siphoned down. Thank you.

9 MS. MCGINTY: I'm Maureen McGinty
10 I'm a past president of the Board of Directors
11 for the Ohio Parks and Recreation Association,
12 and I am currently the chief of Interpretive
13 Programming and Education for the Metro Parks.
14 I am responsible for the nature-led hikes that
15 are down in the Gorge and throughout the Metro
16 Parks. They're education programs for children,
17 for adults, families, all different types of
18 programs.

19 Thousands of people use the Gorge as
20 their green oasis for bird watching, nature
21 photography, hiking and recreational
22 opportunities such as fishing. This will have
23 great impacts on the quality of the visitor
24 experience. We need to also look at the
25 humanistic impacts that this will have.

1 Will you be doing any studies that
2 will look at the visitor experience and the
3 impacts that this will have? Thank you.

4 MS. FREITAG: My name is
5 Christine Freitag. I am president of the
6 Friends of Metro Parks Serving Summit County.
7 We're the citizens group that supports the Metro
8 Parks.

9 We are opposed to this project. It
10 will destroy sensitive habitats, lower water
11 quality and will impact the recreational value
12 of Gorge Metro Park. This park is extremely
13 small and serves a very large, developed
14 community in Akron and Cuyahoga Falls with over
15 140,000 visitors a year. There is very little
16 green space left in this part of the county, and
17 this makes every acre in Metro Parks all that
18 more important.

19 If you have hiked through this park,
20 you know the recreational value of it. Its
21 ledges and rocks are challenging and gorgeous.
22 What a shame to destroy the beautiful view, this
23 park's greatest asset.

24 Friends would also like to point out
25 this is public land that is being taken without

1 any discussion of compensation to the Metro
2 Parks or to the people. Our parks are one of
3 Summit County's strongest economic assets. Our
4 citizens love, use and support their parks. It
5 is our responsibility to fight to save and
6 protect them from abusive projects like this
7 proposed hydro plant. Thank you.

8 MR. HESS: My name is Neal
9 Hess, and I'm a trustee with Friends of the
10 Crooked River. I would like to request, as some
11 form we have, that a cost benefit analysis be
12 conducted for this project, part of which should
13 be an analysis of the benefits of a removed Ohio
14 Edison Gorge Dam.

15 It is my belief that the sustained
16 effort by local municipalities, nonprofit
17 organizations and private fundraising could
18 eventually provide much of the monies necessary
19 for removal of the dam.

20 The economic benefits to a
21 free-flowing Cuyahoga River are many. It would
22 benefit many diverse businesses and people. The
23 economic benefits of a paltry amount of
24 electricity are small and really only benefit a
25 few select individuals.

1 So what are the benefits of a
2 free-flowing Cuyahoga river? First, there is
3 white-water kayaking. Expert kayakers would
4 come from far and wide to run the stretch of the
5 famed burning river. There is a possibility for
6 white-water parks, which have been done in other
7 cities with sections of river with steep
8 gradient. They've been proven to be very
9 economically beneficial.

10 There will be tours of benefits.
11 People that grew up in this area that never got
12 to see the falls, perhaps when they moved away,
13 they might come back to see the falls that their
14 hometown was named after. There would be
15 photography at the falls. And there would also
16 be community-wide ecotourism. And it's known
17 that ecotourism especially is dependant on
18 having many attractions for people to come and
19 partake.

20 I brought a couple magazines with me
21 today. One is "Outside" magazine and the other
22 is "National Geographic Adventurer." Every
23 month these magazines list a couple towns, and
24 they list the attractions within these towns.
25 In fact, this month, "Outside" listed 18 perfect

1 towns that have it all.

2 Akron can be one of these towns, and
3 a removed -- free-flowing Cuyahoga River would
4 be a reason for people to come to this area. It
5 would be -- I can picture in one of these
6 magazines saying day one would be you can bike
7 the Erie and Ohio Canal Towpath Trail. Day two,
8 perhaps you want to hike to your heart's content
9 in the Cuyahoga Valley National Park. Day
10 three, perhaps you will mountain bike some of
11 the rugged trails just south of here in Wooster.
12 Day four you can spend lazily on the beach of
13 Lake Erie. And day five, save the best for
14 last, kayak Class IV rapids in the Gorge section
15 of the Cuyahoga River.

16 These are things that need to be
17 looked at as part of the cost benefit analysis.
18 Thank you.

19 MR. BROOKS: Excuse me, if I may
20 say something. Again, we are the Federal Energy
21 Regulatory Commission, and our options with this
22 application are to either license the project or
23 deny a license. If we deny the license for this
24 project, we do not have the ability as a
25 jurisdiction to order removal of the Ohio Edison

1 Dam. We have no relationship with Ohio Edison.
2 We only have it with Metro Hydro.

3 UNIDENTIFIED: But if you issue
4 the license, that will prohibit the removal of
5 the dam for 50 years. Okay. So if the -- it's
6 very imperative that -- you guys hold our future
7 of this situation in your palms. That's why
8 we're all imploring you today to do the right
9 thing to prevent that from happening.

10 MR. BROOKS: Right. And I
11 appreciate that, I understand. But again, our
12 decision would be to not license if in the
13 determination of the environmental analysis that
14 it's a bad idea. And we would not license the
15 project. We can't go further than.

16 Again, Congress has not provided us
17 that ability, and no one wants a stronger
18 federal government agency to come in and do
19 that. At least not our agency. If there's
20 another program or another -- you know, if
21 Congress determines it, then that will happen.
22 But this is not the proper forum for removal of
23 the Ohio Edison Dam. And, you know, we can't
24 really address anything beyond that. So our
25 options, again, are limited. We either grant to

1 issue the license or deny the license.

2 MS. FOUST: Hello. I'm Jean
3 Foust, and I'm here today representing the Akron
4 Garden Club. We are a member of the Garden Club
5 of America.

6 Included in our mission is the
7 restoration, improvement and protection of the
8 environment through programs of action. We also
9 have national position papers which support the
10 preservation of native plants, the preservation
11 and enhancement of the scenic character of our
12 communities, along with clean air and clean
13 water.

14 For these reasons alone, we oppose
15 the building of a hydroelectric plant in Gorge
16 Metropolitan Park. This project would permit a
17 private company to build a hydroelectric plant
18 to supply -- well, now we've heard a maximum of
19 2,000 homes with electricity -- sacrificing the
20 integrity of a park that's enjoyed by 140,000
21 visitors. At least that was in 2004.

22 In 1987, the Akron Garden Club
23 underwrote the Northern Monkshood by giving a
24 donation to the Center For Plant Conservation
25 for the cultivation and propagation of this

1 endangered plant at the Holden Arboretum. The
2 Northern Monkshood, which has been reduced to
3 eight plants in Gorge -- had been reduced to
4 eight plants in Gorge, now grows in moderately
5 increased numbers upstream from the proposed
6 project.

7 Both the Metro Parks and the Akron
8 Garden Club have worked hard at protecting the
9 Northern Monkshood still growing in its original
10 habitat. In 1996, we discovered that salt
11 runoff from nearby roads was threatening these
12 remaining plants, and contributed additional
13 funding for the protection in Gorge Metro Park.

14 Prior to historical impacts, there
15 were thousands of these plants in the Gorge.
16 The Gorge has a noncalcareous cliff community,
17 which is a rare ecosystem for Northeast Ohio.
18 Now that most of the slopes are once again
19 wooded in the Metro Parks forest, the Metro
20 Parks has plans to reintroduce the plant.

21 A recent successful cloning project
22 at the Cincinnati Zoo and seeds from the Holden
23 Arboretum would supply sufficient starts for the
24 plant project. But the proposed planting area
25 is threatened by the removal of four acres of

1 the best area for this restoration of the
2 Northern Monkshood.

3 This spring, another plant, the
4 Wood-Reed, last seen 20 years ago and thought to
5 be lost, was rediscovered alongside the Northern
6 Monkshood. It obviously shares the same growing
7 requirements. ODNR is expected to change its
8 classification from extirpated to endangered.

9 Gorge Metro Park is the only location
10 within the state of Ohio where the Wood-Reed is
11 now known to live. These are just two specific
12 examples of how the project will harm the
13 environment and native plants.

14 We oppose this hydroelectric project
15 on the grounds that, A, it will destroy scenic
16 beauty in a public park cherished by the Akron
17 community; B, it will destroy a rare ecosystem
18 which, among other things, will prevent the
19 restoration of an endangered plant; and, C, the
20 only benefit of this project on public land will
21 be reaped by a private company.

22 I thank you for letting me read this
23 into the record.

24 MR. HAUSER: Good morning. My
25 name is Ed Hauser. I live in Cleveland, and I'm

1 the chairman of the Friends of Whiskey Island, a
2 member of the Friends of the Crooked River and
3 also a member of the Northeast Ohio Watershed
4 Council.

5 Today I'd like to speak on behalf of
6 the Friends of Whiskey Island. Now, you may
7 ask, what do the Friends of Whiskey Island have
8 to do with this dam? Whiskey Island is located
9 30 miles north at the mouth of the river where
10 our American heritage river greets our great
11 lake. But the reason we're -- we have an
12 interest in this is whatever happens in this
13 watershed eventually will flow into the mouth of
14 the river -- through the mouth of the river into
15 that great lake.

16 So we're concerned that we support
17 any positive efforts to improve water quality in
18 the Cuyahoga River watershed, and we oppose
19 anything that adversely effects the water
20 quality. So that's one of the reasons we're
21 interested in this.

22 This process seems to be hasty and
23 fast-tracked. I was just notified of this
24 public meeting, so I was unable to prepare any
25 written comments at this time. And I just want

1 to highlight a few concerns right now. You will
2 receive further written comments.

3 Now, we support what you just heard
4 here earlier, the EPA plan to remove the dams
5 along the river. We support, or we stand by all
6 these government agencies that you heard this
7 morning, the EPA, the Summit County Metro Parks.
8 We support the other nonprofit environmental
9 groups that oppose this. We oppose this
10 project.

11 And if this project fails in one year
12 or five years, if it even happens at all, you're
13 holding up this dam for 50 years. And when the
14 EPA -- and you heard it this morning -- through
15 the Clean Water Act, would like to get these
16 dams removed and start working on them, we need
17 to look at that immediately, not in 50 years.

18 Whiskey Island is now being
19 considered to be a Metro Park. Right now I
20 wouldn't recommend swimming on those beaches,
21 but one day we would like to see people swim at
22 the mouth of the river and on that great lake.
23 So anything that helps improve that water
24 quality, like tearing down this dam, we support
25 it.

1 The CSO are being addressed, the
2 combined sewer overflows. And you heard earlier
3 about the billions of dollars in Akron and
4 Cleveland to clean up the sewer problem. Let's
5 go all the way and restore this river. So we're
6 all in support of improving the quality here.

7 And in closing, I just want to
8 reiterate what I just said. Stop this project
9 and do not issue this license for this project.
10 And let's get this dam removed and all the other
11 dams along the river.

12 And you will receive further written
13 comments. And what is the deadline for that?

14 MR. KONNERT: The
15 deadline -- sorry. The deadline to provide
16 comments to us, written comments, is August
17 30th. Okay? August 30th.

18 MR. HAUSER: Thank you for your
19 time.

20 MR. HARIG: Hello. I'm Jack
21 Harig. I'm a resident of southern Summit
22 County, and I'm a member of the Friends of the
23 Metro Park. I didn't intend to speak when I
24 came up; I came to hear. But I want to thank
25 the Commission and the audience for their

1 patience with all of this.

2 Tim Konnert said one of the
3 objectives is to get to know the community and
4 the community needs. And I'd like to point out
5 that Akron is, the greater Akron area, is a
6 unique community. The roots of our families run
7 deep, they've been here a long time. They don't
8 make a lot of noise, but they protect their
9 community and they have their children grow here
10 and they bring their grandchildren back.

11 Governor -- or Mayor Robart -- he
12 would like that -- spoke of our heritage. There
13 is a story that is supposed to be true about
14 F.A. Seiberling, who was really the pioneer in
15 giving to the Metro Parks. After the parks had
16 matured and started maturing and the Sand Run
17 Metro Park was developed, he would go down in
18 the mornings and sit there in his
19 chauffeur-driven car and watch the people.

20 One morning, as the economy was
21 growing and things were bustling in the valley,
22 the chauffeur said to him, "Mr. Seiberling,
23 aren't you sorry you gave away this wonderful
24 piece of land? Think how much money it would be
25 worth."

1 There was a couple coming out of the
2 woods holding hands on the trail, and he said,
3 "That's my reward." And that's the heritage of
4 these parks.

5 My father-in-law was a parks
6 commissioner for many years, and I rode the
7 forest as he would go around looking for park
8 land, and looking for people to donate land to
9 the parks. A comment that he would make is,
10 "You know, God's not making any more green
11 space." And we would discuss the fact that once
12 things are developed -- and I'm in the real
13 estate business, I support development -- that
14 we can't put it back. We don't get a chance to
15 put it back.

16 I don't see this as a 20-year
17 project, I see it as a 100-year project. If
18 there's a 20-year economic viability to this
19 project and it can be stretched for even 50
20 years, we're looking at an empty building
21 potentially, an empty facility that nobody's
22 going to remove. We look back at the present
23 facility and it has stood there dormant for
24 almost 40 years.

25 Where does the maintenance come from

1 for the aesthetics of the future when the people
2 who are committed -- and I believe that they are
3 committed to doing this right, but they're going
4 to be dead before this project is done. All of
5 us are. And if we're going to look to the
6 heritage and then to the future and our
7 responsibility to our great-grandchildren, I
8 think that there is a determined responsibility
9 for the Commission to offer a "no action"
10 response on this. We can't put it back.

11 I work with Rotary International
12 quite extensively, and we have many guests from
13 around the world. Two years ago I had an
14 Egyptian group in. I took them through the
15 parks and they said, "Look at the forests."
16 They don't see these things. We see people from
17 Europe come in, and they look at this park and
18 they look at the wildlife and they say, "We
19 don't have things like this."

20 Please, help us preserve it. Thank
21 you.

22 MS. MARSH: Hello. I'm Elaine
23 Marsh, conservation chair and cofounder of
24 Friends of the Crooked River.

25 I have, before I begin my remarks,

1 some questions of Mr. Sinclair. Those numbers
2 that you showed us about the savings in air
3 pollutants you mentioned represented the life of
4 the project. What project life did you assign
5 those numbers?

6 MR. SINCLAIR: Fifty years.

7 MS. MARSH: Fifty years. So
8 the -- and that was based on your estimated
9 production of what? How many gigawatts were you
10 basing that on?

11 MR. SINCLAIR: We were basing it
12 on 10 to 12,000 megawatt hours per year.

13 MS. MARSH: Because your
14 numbers, it's very difficult to follow your
15 numbers, of course, because the permit that you
16 have assigns 10 times your generation. We've
17 always wondered how that happened.

18 But at any rate, okay. So you have
19 50 years, and you show these pollution levels.
20 Now, the amount of pollution that you say is
21 going to be reduced and the number of cars that
22 burn that amount, is that annual or cumulative?

23 I mean, you know, you gave us these
24 numbers, and you said that it's going -- that we
25 can take 10,000 cars off the road; and I want to

1 know whether that's based on 50 years of
2 production or one.

3 MR. SINCLAIR: The emission
4 standards, the emission reductions are all based
5 on -- as I understand it, are based on the 50
6 years.

7 MS. MARSH: So --

8 MR. SINCLAIR: Obviously, you take
9 10,000 cars off the road, they're off the road
10 for 50 years.

11 MS. MARSH: You take
12 10,000 cars -- so -- I'm sorry. I'm sorry.
13 This does not make sense. You cannot take the
14 cumulative numbers and apply it to a car. A car
15 doesn't have a lifespan of 50 years in the first
16 place. So, you know, we want to look at those
17 numbers. We want you to verify that. All
18 right?

19 And then the other thing is -- and we
20 want to know when these thousand cars are -- we
21 want to know what it annually is, then maybe you
22 can talk about cars.

23 If you can demonstrate conclusively
24 that FirstEnergy is, in fact, going to produce
25 less power because you are adding it to the

1 grid, this is -- this is not a peak power plant.
2 You can't plan when you're going to produce
3 power. It gets added to the grid whether the
4 grid needs it or not, whether the people can use
5 it or not. And it gets added mainly in the
6 winter, when we don't need it. So if you can
7 demonstrate, in fact, that Ohio Edison or
8 FirstEnergy is going to produce less power,
9 we'll look at your numbers. But until then, we
10 find them highly suspect.

11 Okay. Now, I would like to thank you
12 for sponsoring these hearings, and particularly,
13 I would like to thank Timothy Konnert for his
14 efforts. This is a particularly baffling
15 process, and we have been through many types of
16 permit processes, but never through FERC, and he
17 has been particularly helpful.

18 And I would also like to thank him
19 for taking time out of his busy day on Friday to
20 clarify for the public that yesterday's workshop
21 was, in fact, a public event. Miscommunications
22 by the applicant to the contrary.

23 Our estimate of the pre-application
24 document is that it has not identified the
25 projects or benefits or its impacts. The PAD is

1 entirely inadequate in our view. It does not
2 clarify the benefits of the project to
3 investors, to the public or the environment.
4 Nor does it verify information on electric
5 production.

6 It is entirely lacking in the realm
7 of the potential impacts. It does not seem to
8 consider the loss of public benefits in any
9 significant way.

10 We have many questions, and most of
11 these have been added by -- asked by other
12 people, but I would like to list them again, and
13 add a few new ones at that.

14 Number one, can the applicant and
15 FirstEnergy verify that the 1929 easement is
16 valid?

17 Number two, how much energy will be
18 produced as verified by existing demonstrated
19 technology on rivers that have flows similar to
20 the Cuyahoga? What is the value of the energy?
21 Given the large capital outlay and the miniscule
22 amount of production, how can the company claim
23 financial viability?

24 Three, how will the public be
25 compensated for the loss of public benefit?

1 Four, how will the project impact
2 park visitors?

3 Five, how is it possible to provide a
4 neutral impact on a park while removing trees,
5 building roads -- a road, a powerhouse and
6 turbines?

7 Six, how will removal of trees impact
8 erosion, increase stormwater runoff, increase
9 contributions of sedimentation and other
10 non-point source pollution?

11 Will the increase of concentration of
12 pollutants from a combined sewer overflow,
13 resulting from reduced flow in the proposed
14 bypass reach cause loss of beneficial uses or
15 the lowering of water quality use designations?
16 And will it impact the City of Akron's combined
17 sewer overflow long-term control strategy? That
18 is the study that has been done. That document
19 is the one by which the combined sewer overflows
20 will be determined.

21 Eight, what impact will loss of the
22 Cuyahoga's most interesting whitewater stretches
23 have on current recreational paddling, and on
24 recreational paddling, once the sewer overflows
25 are corrected?

1 Nine, how will the project affect
2 aquatic life?

3 Ten, will the project affect goals of
4 the total maximum daily load?

5 Eleven, how will a federal license
6 which precludes ever considering dam removal for
7 at least 50 years impact the economics of the
8 region and tourism, and as a destination for
9 whitewater paddlers, photographers, artists and
10 the like, and what are the cost benefits of
11 removing the dam?

12 Number twelve, given that the Ohio
13 EPA has identified dam removal as necessary in
14 achieving the goals of the TMDL, will FERC
15 analyze an alternative which considers removal
16 of the dam as a viable option?

17 Now, I would like to look at a couple
18 of things here. One is this easement. The
19 easement was granted in 1929 by parties which
20 are no longer in existence. This easement is
21 central to this applicant's standing in this
22 matter. We don't know, perhaps one of these
23 entities either granted or gave away or sold
24 related rights, and so we request a complete
25 title search of this easement; and we also would

1 like a review of any and all agreements between
2 Northern Ohio Power, Ohio Edison, FirstEnergy
3 with any outside organization, person or agency
4 that is related to the use of the land, the dam
5 or the water.

6 Okay. So why are we here? This is a
7 huge question to me. Why are we here? We spent
8 yesterday listening to the fact that within the
9 next 90 days, we are going to have to produce
10 mountains of documents to protect our interests
11 here. And the interests here are held by a
12 authorized political subdivision of the State of
13 Ohio. This is not just a park. This is a park
14 that is registered under Section 1545 of the
15 Ohio Revised Code. It is an authorized
16 subdivision of the State of Ohio. And we have a
17 private entity that exercises a technicality, a
18 technicality, to override the authority of this
19 authorized political subdivision of the State of
20 Ohio.

21 Now, you may say that you have the
22 legal authority to do this. And you may, in the
23 end. Who knows. But, let's look at the whole
24 situation here.

25 I asked yesterday if FERC had ever

1 dealt with a situation where the -- where the
2 project was proposed to be on a -- in a park
3 where the park administrators opposed it. They
4 said no. Who could have guessed? Who could
5 have guessed anybody would do this? Especially
6 for the paltry amount of energy. Okay. But
7 they have. FERC has never dealt with it; it
8 doesn't have any protocol; it doesn't say that
9 it has to be dealt with in any way in
10 particular.

11 And the applicant doesn't even admit
12 it's an issue. Nowhere in the PAD does it say
13 we are going to have to work to resolve the
14 issue that the park, who owns the property where
15 the people have enjoyed its use for the last 80
16 years, how we are going to resolve it? It
17 doesn't mention it.

18 This is the biggest issue to us. The
19 biggest issue to us. It is not a small thing,
20 it is a huge issue. It is an issue of
21 authority. It is an issue of public ownership.
22 It is an issue of how the federal government
23 relates to the State of Ohio. It's not
24 addressed.

25 Okay. Now, related to the Federal

1 Powers Act, when it was instituted in 1920, it
2 certainly did not envision a situation like
3 this. But it did say that these projects are
4 prohibited from our national parks because they
5 hold significant national and cultural
6 resources. We believe that if Congress had
7 known about this, they would have also included
8 local and state parks.

9 Now, is this a legal issue? I don't
10 know. Will we pursue it? You bet. But I ask
11 you to look at the intention of Congress, to
12 look at the fact that this is an authorized
13 political subdivision of the State of Ohio, and
14 these people, in our view, are interlopers.
15 Thank you.

16 MR. DIMOFF: Good morning, and
17 thank you for the opportunity to speak. My name
18 is Keith Dimoff. I'm the deputy director at the
19 Ohio Environmental Council, and I'm here to
20 speak in support of the Friends of the Crooked
21 River and Friends of Metro Parks Serving Summit
22 County to oppose this license, and really to
23 make a statement in favor of the commonsense
24 notion that now is not the time to lock up this
25 dam for the next 50 years.

1 Ohio Environmental Council is a
2 statewide nonprofit advocacy group with over
3 3,000 members, over 120 group members. And we
4 have two particular interests in this. One is
5 that our law clinic has expressed some questions
6 about the legality of the easement. And I just
7 want to second some of the thoughts that Elaine
8 Marsh has so eloquently put in questioning the
9 history and legality of those -- of the
10 applicant's claim to be able to use this dam.

11 And our other interest is in the
12 Clean Water Act. We had filed and settled a
13 Clean Water Act lawsuit under section 303 D of
14 the Clean Water Act. And that settlement with
15 the Department of Justice, U.S. EPA, the Ohio
16 Attorney General's Office and Ohio EPA, the
17 state and federal governments agreed to move
18 forward with the TMDL watershed restoration
19 program under the Clean Water Act, and to
20 establish these TMDL watershed restoration plans
21 for 50 watersheds around the state of Ohio by
22 2008. And the purpose is to bring over 800
23 river segments into attainment with the Clean
24 Water Act.

25 And the reason this is so important

1 and this provision of the Clean Water Act is so
2 important, is the authors of the Clean Water Act
3 understood that there needed to be a safety net
4 built into the Clean Water Act. That there was
5 going to be an initial effort which has paid off
6 quite well in a lot of places where engineers
7 knew how to fix some of the initial problems.
8 And so for certain classes of industry and for
9 municipalities, there was a lot of investment in
10 the 1970s and '80s, and we saw a lot of payoff
11 from that.

12 But the office of the Clean Water Act
13 knew that that in and of itself wasn't enough,
14 and so under Section 303 D, they required the
15 EPA to come in and look at waters that were not
16 attaining water quality standards. And that
17 includes this stretch of the Cuyahoga River that
18 we're talking about here today.

19 The Ohio TMDL program involves a lot
20 of local stakeholders, and they use a system of
21 bio criteria that is nationally accredited by
22 U.S. EPA and by universities around the country.
23 And when they looked at this stretch of the
24 river, they realized the problems that this dam
25 causes in terms of dissolved oxygen, in terms of

1 fish passage and in terms of fish and
2 macro-invertebrate habitat.

3 As part of that restoration plan,
4 they called for a feasible removal of several
5 dams on the Cuyahoga. And in previous TMDL
6 watershed restoration plans, they have required
7 the removal of dams upstream in Kent and Munroe
8 Falls. Those communities and this community put
9 a lot of effort and a lot of money into
10 these -- the restoration of the Cuyahoga River,
11 as so many of the community members here today
12 have said. And we think that there's a
13 significant question with compliance with Clean
14 Water Act requirements if you were to go ahead
15 with this relicensing.

16 So I ask you to respect the efforts
17 of the local community, to respect the
18 applicability of the Clean Water Act to this
19 situation. And from a personal perspective, of
20 someone who grew up in the area here and who now
21 has a son who is nearing two years old, I can't
22 imagine having to wait until he's in his 50s or
23 approaching 60 before this community once again
24 is rallied around the restoration of this river
25 and the removal of these dams. And that is what

1 I will have to tell him if you were to go ahead
2 with this license. Thank you.

3 MS. CHASE: My name is Edith
4 Chase, 5731 Caranor Drive in Kent, and I have
5 just a few comments.

6 I worked for a long time on
7 restoration of the Cuyahoga River from its
8 sources to its -- the river in Lake Erie. And
9 the first time I ever visited Gorge Park was in
10 the middle '60s, and was absolutely thrilled to
11 see my first real live Scarlet Tanager in the
12 park. I knew what it was because it looked just
13 like the picture in the book. Here I saw my
14 first real one.

15 First of all, I have three comments.
16 The cover letter for the preliminary application
17 document indicates that it had been forwarded to
18 nine cities or towns within a 15-mile radius
19 with a population greater than 5,000. I don't
20 know if they were using an old map, but they
21 have neglected Portage County, except for Kent
22 and Aurora.

23 Additional notices and information
24 should be sent to the Portage County
25 Commissioners and the cities of Streetsboro,

1 Ravenna and Mogadore. And also to Green,
2 Tallmadge and Twinsburg in Summit County, and
3 the Cuyahoga Valley National Park. And all of
4 the above should be part of this process.

5 The second one, I was looking into
6 the amount of electricity to be generated by the
7 Metro Hydro Project. It would be insignificant.
8 The PAD stated that 2,000 homes would be served,
9 and so I looked up the total number of customers
10 served by Ohio Edison, and according to their
11 2004 annual report on page 14, 1,031,066. So
12 this is less than two-tenths of 1 percent. So
13 it seems to me an insignificant amount of
14 electricity to be generated.

15 The third point -- and I got an
16 answer to this question this morning from
17 Mr. Sinclair's presentation. Summer peak
18 electricity demand would come at a time when the
19 river flows are low, and I have not found
20 anything previously in the information provided
21 that addressed possible storage of water at the
22 dam for release for peak power. And as he
23 explained, he showed in the slide, the structure
24 up above where indeed you can close it off. So
25 it isn't feasible to do this.

1 This action could seriously degrade
2 water quality and fish habitat between the dam
3 and the power station, as well as cause serious
4 erosion of riverbanks downstream when the water
5 is released.

6 And I looked into this matter several
7 years ago for western dams, Glen Canyon and
8 others, and it's a significant problem. When
9 they want peak power, they let it go whoosh, and
10 it does a lot of damage both in the dam pool,
11 Lake Powell and downstream in the river.

12 I urge for it to specify at least a
13 minimum release from the Ohio Edison Dam at all
14 times and to look carefully at the effects of
15 peak power release. Thank you.

16 MR. OROS: My name is John
17 Oros. I'm a natural resource manager with
18 Geauga Park District in Geauga County. I'm
19 representing Geauga Park District as an agency,
20 and Tom Curtin, our director.

21 A short statement. Geauga Park
22 District would like to go on record stating our
23 objection to the proposed hydroelectric power
24 plant within Gorge Metro Park. Geauga Park
25 District does not feel the project coincides

1 with current regional planning efforts directly
2 related to land and water conservation.

3 Geauga Park District, Metro Parks
4 Serving Summit County, Cleveland Metro Parks and
5 Portage Park District are just a few examples of
6 park entities formulated under the Ohio Revised
7 Code to best serve Northeast Ohio communities to
8 preserve a series of natural areas and park. We
9 feel a formulation and possible completion of
10 this project does not serve the needs of our
11 constituents.

12 Citizens throughout Northeast Ohio
13 support current preservation and conservation
14 efforts for natural areas, watersheds and
15 species biodiversity. This is evident in the
16 passage of our levies. This project does not
17 meet current standards, philosophies or ethics
18 for land and water conservation as expressed by
19 the citizens we, as park districts, serve.

20 The project is clearly in violation
21 of the Geauga Park District mission, and we
22 would oppose a similar effort in Geauga County.

23 MR. SEEBACH: Good morning. I'm
24 John Seebach, the national coordinator of the
25 Hydropower Reform Coalition, which is a

1 consortium of more than 130 conservation and
2 recreation groups around the nation that are
3 dedicated to restoring rivers by improving
4 operations at hydropower dams.

5 However, I'm actually not speaking to
6 you in that capacity today. I'm here to
7 represent the interests of one of the
8 coalition's members, which is American Rivers,
9 the chair of the coalition.

10 American Rivers is a conservation
11 organization with more than 30,000 members
12 nationwide. They're headquartered in
13 Washington, D.C., and they have quite a few
14 members in Ohio, although I actually don't have
15 that number handy with me right now, so I'll
16 submit that later.

17 American Rivers is strongly opposed
18 to this project. I'd like to begin by thanking
19 you for the opportunity to express our views.
20 The project's promised green energy is a red
21 herring. The proposed hydro plant would not
22 produce a significant amount of energy.

23 And what do I mean by that? Well,
24 for example, on a tour of the project site
25 yesterday, a representative of Advanced Hydro

1 Solutions estimated that there was only 85 CFS
2 spilling over the dam. Under the proposed
3 generation scheme, that would leave only 60 CFS
4 to drive the turbines, which is roughly 12
5 percent of their stated capacity in terms of
6 water entering the turbines.

7 So I did a little
8 back-of-the-envelope calculation, which is by no
9 means scientific, but that suggests that the
10 project would have only been capable of
11 generating 288 kilowatts yesterday. And I
12 actually suspect that's high, because turbines,
13 as you know, become less efficient in lower
14 flows.

15 So I called someone from the City of
16 Cuyahoga Falls to ask about the peak demand for
17 power yesterday and was told it was roughly 107
18 megawatts. So that means that this project
19 would have been able to supply roughly
20 one-quarter of 1 percent, about 0.629 percent of
21 that demand, which is enough power to supply
22 only 60-and-one-half of the City of Cuyahoga
23 Falls's 22,500 households, which is a far cry
24 from the 2,000 homes' worth of power promised in
25 the PAD.

1 While this project will likely
2 generate a bit more power in the winter and
3 spring months, and on a day like today when
4 water levels are high, it's worth noting that
5 demand for power is much less at those times
6 because people aren't running their air
7 conditioners because it's not as hot. So I
8 would assume that the applicant's numbers do not
9 add up.

10 So while this miniscule amount of
11 power generation may be free to the license
12 applicant as was suggested yesterday, it has a
13 very real cost in ecological, recreational and
14 aesthetics impacts. This cost would not be
15 borne by the licensee, but rather by the people
16 who live near the project.

17 What I see here is a project that
18 produces very little power, especially during
19 periods of peak demand. I can't imagine it
20 would have much more than marginally economic
21 benefits, if that.

22 So what does it offer? Well, it
23 offers a federal license that will essentially
24 preempt any possibility of removing the dam and
25 restoring the river for at least 50 years,

1 giving the dam's owner a free pass to postpone
2 dealing with that obsolete hunk of concrete. It
3 would dewater a stretch of river in a public
4 park that is set aside for conservation and
5 recreation, damaging a popular kayaking run and
6 a forested slope in the park.

7 Furthermore, it would be run by a
8 licensee that has so far brushed off or glossed
9 over most of these concerns and produced a
10 grossly deficient PAD that demonstrates a
11 disturbing lack of attention to detail.

12 When it decides to turn the keys to a
13 public river, in this case, a public park, over
14 to a private company for private gain, FERC can
15 and should set a high bar and insist on higher
16 standards than we've seen demonstrated here so
17 far. In my opinion it should have rejected this
18 PAD outright based on its deficiencies, or
19 return it to the applicant insisting these
20 deficiencies be corrected.

21 As the project moves forward, and
22 especially given the intense amount of local
23 opposition to the project that is here today, I
24 would encourage the FERC staff to hold this
25 applicant -- which has yet to demonstrate, to my

1 knowledge, its ability to run a successful
2 hydropower project in the field -- to a higher
3 standard and insist that it do the hard work
4 that is necessary to show that it can be
5 entrusted with the care of this valuable public
6 resource.

7 Again, the true costs of this project
8 can only be assessed by weighing them against
9 the benefits the community would realize by
10 removing the dam outright and restoring the
11 river. When viewed in this light, the tiny
12 amount of power that this project would generate
13 seems quite expensive.

14 I suspect that there will be other
15 study requests, and I plan on submitting some
16 detailed comments. Or actually, my committee
17 plans on submitting some detailed comments, and
18 so there will be time for that as well. But I
19 have a few suggestions.

20 One, FERC's environmental analysis
21 must include a separate alternative which
22 considers the removal of the dam. And I -- we
23 realize that the Ohio Edison Gorge Dam is not
24 currently under FERC jurisdiction; however,
25 given the widespread local interest in dam

1 removal, both on the part of the public and
2 public agencies, including the State of Ohio, it
3 would be irresponsible of FERC to evaluate the
4 environmental, recreational and aesthetic
5 impacts of this project without also analyzing
6 the scenario under which the dam is removed.

7 The act of issuing a license would
8 effectively render this situation impossible,
9 thwarting for a generation local attempts to
10 restore this river. To ignore the possibility
11 of removal would create a distorted picture of
12 baseline and potential conditions at this
13 project by ignoring the very real potential
14 benefits of removing this dam.

15 Thus FERC should either seriously
16 consider the benefits of dam removal when
17 analyzing the "no action" alternative, or
18 analyze a separate "no action, public proceeds
19 with dam removal" alternative.

20 Number two. The license applicant
21 should perform a study that will determine the
22 effects of the existing dam on water quality
23 both within and below the dam. Since a license
24 will -- excuse me -- necessitate the dam's
25 continued existence for up to 50 years, any

1 decision to issue a license should fully
2 consider these impacts.

3 On page 3-5 of the PAD, the applicant
4 refers to poor water quality in the river,
5 citing, and I quote, "increased sediment loads,
6 turbidity, low dissolved oxygen and increased
7 temperatures of the river water."

8 Rather incredibly, the PAD fails to
9 point out the obvious fact that the dam is
10 either a cause of or a major contributor to each
11 of these impacts. The scope of any water
12 quality study should analyze the effects of the
13 dam on water quality both above and below the
14 dam. It should also consider how removing this
15 dam may impact the water quality. This study
16 should also take into consideration the effects
17 that artificially lowering the river's flow to 25
18 CFS directly below the dam will have on water
19 quality as well.

20 Next, the license applicant should
21 perform a study that determines the effect of
22 the existing dam on fish communities both above
23 and below the dam. And again, I point to page
24 3-7 of the PAD, where the applicant notes that
25 "fish communities downstream of Akron to

1 Cleveland are impaired and are classified as
2 poor or very poor by the TMDL report." It says
3 something very similar about macro-invertebrate
4 communities. It points out they are said to
5 gradually improve and reach very good to
6 exceptional quality upstream in Cleveland.

7 Again, and I found this rather
8 incredible, the PAD fails to consider the dam
9 may be a primary cause of this impairment, and
10 that improvements downstream are likely
11 attributable to many miles of free-flowing river
12 between the dam and Cleveland. So any study on
13 fish and macro-invertebrates should analyze the
14 effects of the existing dam on these
15 populations, and should carefully consider the
16 impacts to populations in the proposed bypass
17 reach.

18 When performing the environmental
19 analysis, FERC should consider the potential
20 environmental cost of issuing a license which
21 maintains a reservoir that may be used in the
22 future to operate a coal-fired plant. The
23 applicant's PAD on page 3-5 and 3-6 refers to an
24 inactive coal-fired plant owned by FirstEnergy
25 located near the proposed project on the

1 impoundment, saying, "it is possible the plant
2 could be reactivated in the future and the use
3 of this impounded water would resume."

4 In the FERC scoping document, you
5 note that "to the extent that modifications
6 would reduce the power production of the
7 proposed project," FERC staff will evaluate
8 costs and contributions to airborne pollution
9 related to generation of replacement power by
10 fossil fueling stations.

11 Accordingly, FERC should also
12 consider the potential costs and contributions
13 to airborne pollution that would be related to
14 issuing a license, which would leave in place a
15 reservoir that could potentially allow the
16 coal-fired plant directly upstream of the dam to
17 operate.

18 And lastly, FERC should consider
19 preparing a full environmental impact statement,
20 and at the very least, it should prepare a draft
21 environmental assessment. We generally agree
22 that the goal of the hydropower licensing
23 process is to resolve issues amicably and as
24 soon as possible, but I think in this case that
25 may be difficult. And given the local

1 opposition, I think that perhaps you're making a
2 bit of a leap in assuming that the spirit of
3 cooperation is a foregone conclusion in this
4 case, and it might be worth looking into a more
5 rigorous environmental assessment on your part.

6 Thank you very much.

7 MR. KONNERT: If I may just
8 interject real quick, can I get a show of hands
9 of how many people still want to make an oral
10 comment? So we have five?

11 Okay. I'm just checking, because we
12 have -- this meeting is scheduled to 12:30. We
13 can go a little bit over if need be, but I just
14 want to make sure everybody gets their comments
15 in. Thank you.

16 MR. GLEASON: My name is Hugh
17 Gleason. I'm a long-time resident of this
18 community. I'm in favor of hydropower, but not
19 in this case. This 2.4 megawatts seems like a
20 very small project, and costly from the
21 standpoint of design and construction to get a
22 payback for such a small amount of electricity.

23 Therefore, has the applicant proposed
24 any alternative generating capacity in lieu of
25 this proposal such as natural gas generation

1 through a leasing agreement at some other easily
2 accessed site or adjacent to a FirstEnergy
3 substation? Does FERC require such alternative
4 data in their decision? Thank you.

5 MS. GRIM: I'm Nancy Grim, I'm
6 here as a citizen. I am a resident of Portage
7 County, I'm an avid hiker and a whitewater
8 kayaker. I'm a member of that whitewater
9 paddling community that's been referenced
10 earlier.

11 I support many of the comments that
12 have been made, but the one that I wanted to
13 underscore is the importance that the "no
14 action" alternative listed in the -- whatever
15 you call this document -- the scoping document
16 included the impact of the project on the
17 potential for dam removal. As many have pointed
18 out, certainly, it appears that one impact of
19 approving this project is preventing the removal
20 of the dam. As a kayaker and as a hiker as
21 well, I'm always in favor of opening up the
22 free-flowing rivers.

23 Generally, we kayakers don't paddle
24 in the state of Ohio because there are very few
25 opportunities for whitewater kayaking. One of

1 the few opportunities is the Cuyahoga River. We
2 want to see it free flowing, and we would like
3 to see the dam -- there is more river above the
4 dam, that's an opportunity that needs to be
5 balanced and looked into as part of the
6 opportunities for all of us. Thank you.

7 MR. VILD: Good morning. My
8 name is Chris Vild. I'm the chairman of the
9 Northeast Ohio Watershed Council, the NOW
10 Council.

11 The Northeast Ohio Watershed Council
12 is a consortium of organizations concerned with
13 repairing -- protecting, I'm sorry, the quality
14 and quantity of Ohio's water resources. The NOW
15 Council has been working together for three
16 years to clean rivers and improve the watersheds
17 of Northeast Ohio and their many natural
18 features.

19 We have raised issues and will
20 continue to write written comments regarding
21 this project, but today I wanted to go on record
22 in opposition of this project. We feel that the
23 negative impacts, the negative environmental
24 impacts far outweigh the positive aspects of
25 this project, or proposed project. Instead of

1 enhancing the existing dam and facilities, we
2 would like to see the existing dam removed,
3 exposing Cuyahoga Falls once again. Thank you.

4 MS. MALUMPHY: My name is Sharon
5 Malumphy. I'm a resident of the City of Akron.
6 I've lived in this area the most part of my
7 life.

8 We are truly blessed to have parks
9 like the Metro Parks Serving Summit County, many
10 of which are in urban areas, not out far flung
11 in the suburbs. Many of the parks are
12 accessible by the bus system, so people can, in
13 all parts of the city, can travel and enjoy the
14 parks.

15 Gorge is an especially unique one
16 because of its rugged nature nestled in between
17 Akron and Cuyahoga Falls. It would be a crime
18 to destroy the beautiful views. They built a
19 new overlook over the valley, and it's
20 spectacular.

21 No one can argue that a good park
22 system is an economic benefit to the area, to
23 draw people in, new people, to draw new
24 companies to the area. And the river could
25 certainly have much better recreational benefit

1 to the area if it was cleaner.

2 I have no problems with hydropower,
3 but in terms of it being cleaner than green, I
4 don't think so. Wind power has far less
5 environmental impact than hydropower does. It
6 seems like most of this -- and we've all
7 admitted to this here, everybody said this, is
8 mostly this seems to be diverting attention from
9 the fact that that dam needs to come out. It's
10 really impacting negatively the quality of the
11 river water.

12 And it would be seen a crime to me to
13 ruin this park for such a piddley amount of
14 electricity. And if you want to get down to
15 black and white, yes, no, issuing the permit is
16 a bad idea.

17 MR. PIRA: Good morning. My
18 name is Paul Pira. I'm a park biologist with
19 Geauga County Parks. I would like to publicly
20 state that in my judgment, I have found no
21 beneficial outcomes of this project for the
22 biological systems surrounding the Gorge Metro
23 Parks.

24 More specifically, I've found no
25 benefits for the public enjoyment of the

1 surrounding natural resources. Personally, I
2 see this project as a step backwards for
3 improving water quality within the Cuyahoga
4 River.

5 I oppose the license of this project
6 and would support the removal of this dam.
7 Thank you.

8 MR. CRANDELL: I'm Dave Crandell,
9 and I'm a former manager of the public utilities
10 for the City of Akron for a long time, retired.
11 I'm also a member of the Cuyahoga River Remedial
12 Action Council. I support the comments that Jim
13 White has brought forward here. I'm mainly
14 going to make some technical comments that need
15 to be addressed.

16 First off, our City of Akron
17 long-term control plan has been submitted to
18 Ohio EPA, and with revisions directed by the
19 Ohio EPA, has been submitted to U.S. EPA
20 Region 5, and has been sitting there for nearly
21 two years waiting for approval.

22 The development of that long-term
23 control plan shows that the city itself and this
24 region will be corrected by a tunnel that will
25 collect not only the CSO 34, but three others

1 between Front Street and the Cuyahoga River. Or
2 Cuyahoga Street, pardon me. That is in the
3 fifth stage.

4 The original plan called for a
5 38-year schedule. If that is the case, that
6 would be done in the year 2031. Ohio EPA and
7 U.S. EPA would like it to be done in 20 years.
8 That is a matter of negotiations between the
9 City of Akron and the U.S. EPA. A 20-year plan,
10 we're looking at the 2020 period before it's
11 corrected. Therefore, the existency itself must
12 be addressed as part of this permitting process.

13 During this study of the CSO
14 long-term control plan, we noted that there is
15 some contaminated sediment behind the dam. We
16 also noted that over 35 foot of sediment may be
17 behind the dam. Therefore, the question is,
18 with the removal of the water for the Metro
19 Project, will that sediment be suspended in the
20 water column, and are we then discharging
21 contaminated sediments downstream?

22 So when you do your mathematic
23 studies, you need also to address the sediment
24 quality in immediate reach of the removal of the
25 water for the hydro plant. And what would that

1 do with the existing water quality behind the
2 dam and will that sediment reach downstream?
3 Thank you.

4 MR. GYZOWSKI: Hi. My name is Pat
5 Gyzowski, I'm here as a citizen. I'm also a
6 member of the Keel Haulers Canoe Club and
7 American Canoe Association. I'd like to thank
8 Elaine for all her work protecting the Cuyahoga
9 River.

10 The most important thing -- I mean,
11 all of these issues that were brought up are
12 very important, the environmental issues and all
13 of those, and they've all been spoken to. The
14 most important thing is that you need to do the
15 right thing and deny this permit, this license,
16 because you will be locking up the existence of
17 this dam for 50 years, and that will prevent any
18 improvements to the river and the quality -- and
19 the quality of life for all the people in
20 Northeast Ohio. Thank you.

21 MS. FAIRWEATHER: I just -- I'm Susan
22 Fairweather. I am a resident of Cuyahoga Falls,
23 a neighbor of Gorge Metro Park, and I also work
24 for Metro Parks Serving Summit County.

25 I would like to bring to your

1 attention that Gorge Metro Park is within the
2 boundaries of the Cuyahoga -- excuse me, of the
3 Ohio and Erie National Heritage Corridor, and as
4 such, is a very valuable element in our work in
5 the corridor, also known as the Canal Way, in
6 marketing and bringing people to our area for
7 tourism, both heritage, cultural, eco and
8 recreational tourism.

9 And there are a lot of plans under
10 way right now to bring back life to our
11 struggling economy through tourism. Therefore,
12 I think the effects -- any effects, including
13 the issues regarding the dam, need to be
14 considered in a bigger picture of what tourism
15 means to our community economically.

16 And I just wanted to make sure you
17 were aware that Gorge Metro Parks is connected
18 and a vital part of -- and the Cuyahoga River is
19 a vital part of the Canal Way initiatives.
20 Thank you.

21 MS. LANDRY: My name is Elaine
22 Landry. I'm a resident of Kent and I'm here as
23 a concerned citizen. I have two questions about
24 this scoping document that you submitted to us
25 today. One is on page 7, it's item 4.2.4,

1 "Terrestrial Resources." Effects on terrestrial
2 and wetland resources from removal of three
3 acres of land. I haven't heard that addressed
4 today.

5 And the next item is on page 9,
6 "Environmental Analysis," item -- Roman
7 Numeral V, the "General description of the
8 Cowlitz River and Lake Creek." So what does
9 that have to do with this discussion?

10 MR. KONNERT: If my understanding
11 is correct, you're asking why it was not
12 included in terms of the removal?

13 MS. LANDRY: Well, do these even
14 relate to what we're talking about today?

15 MR. KONNERT: Yeah. Actually,
16 that has to do with the proposal of the
17 applicant for the proposed project in terms of
18 construction that's going to be needed to be
19 done to construct the powerhouse and also put in
20 the penstock. This is saying that we're going
21 to be looking at the effects of those
22 construction activities on the terrestrial
23 resources. Okay?

24 And then, I'm sorry, I didn't have
25 the document in front of me when you were asking

1 your questions. I was scrambling, trying to
2 find it. That is a typo on the end of the
3 scoping document in terms of referencing the
4 Cowlitz River, and I apologize for that.

5 MR. GARDNER: My name is Rick
6 Gardner. I'm a botanist with the Ohio Division
7 of Natural Area Preserves in the Department of
8 Natural Resources, and I track and monitor rare
9 plants in Ohio. And as mentioned earlier by Rob
10 Curtis of Metro Parks, there's rare plants, rare
11 species in the Metro Parks, in the Gorge Metro
12 Park, and one of those is the federally
13 threatened Northern Monkshood. It's one of
14 three sites in the state of Ohio. It's a very
15 specialized habitat that it grows in, and the
16 Gorge is one of the best sites for long-term
17 viability for the conservation of the species
18 and in our state.

19 And I fully support the Metro Parks
20 in requesting a full biological inventory of the
21 area, as there's a good possibility that there's
22 more rare species. The park has not been fully
23 inventoried, and I do support them in
24 monitoring -- doing more inventory of that park.
25 Thank you.

1 MR. KONNERT: Okay. If there
2 aren't any more comments for this morning's
3 session, I'd like to call the meeting to a close
4 and just -- I'm sorry. No comments? No
5 comments from Metro Hydro Company.

6 I'd just like to thank everybody for
7 coming today. We do appreciate you taking the
8 time and coming here and giving us your
9 information and comments and statements that you
10 have regarding this project, and they will be
11 useful to us in evaluating it. Thank you very
12 much.

13 (Thereupon, the proceedings were
14 concluded at 12:31 o'clock p.m.)

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C E R T I F I C A T E

STATE OF OHIO,)
) SS:
SUMMIT COUNTY,)

I, Anika W. Patrick, a Registered Merit Reporter and Notary Public within and for the State of Ohio, duly commissioned and qualified, do hereby certify that these proceedings were taken by me and reduced to Stenotypy, afterwards prepared and produced by means of Computer-Aided Transcription and that the foregoing is a true and correct transcription of the proceedings so taken as aforesaid.

I do further certify that these proceedings were taken at the time and place in the foregoing caption specified.

I do further certify that I am not a relative, employee of or attorney for any party or counsel, or otherwise financially interested in this action.

I do further certify that I am not, nor is the court reporting firm with which I am affiliated, under a contract as defined in Civil Rule 28(D).

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office at Akron, Ohio on this 1st day of August, 2005.

Anika W. Patrick, RMR
My commission expires March 13, 2010.