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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 6:41 p.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

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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 6:41 p.m.

3 MR. KONNERT: If we can begin the
4 meeting. I know we're expecting probably more
5 people to show up after they finish off work.
6 We just want to get started just because we have
7 this room until 9:30. We might be able to
8 extend it past that, but we'd like to try to get
9 things done, at least get started so people can
10 start providing their comments in regards to
11 this project.

12 I want to welcome everyone to the
13 second scoping meeting of the day in our
14 integrated licensing process for the proposed
15 Metro Hydro Project. My name is Tim Konnert. I
16 am the FERC coordinator, and I also will be
17 addressing the aquatic resource issues related
18 to the licensing of this project.

19 With me here today is the rest of our
20 FERC team that will be working on the licensing
21 process for this project. I'm going to let them
22 introduce themselves to you.

23 MR. BROOKS: Yes. Good evening.
24 My name is Keith Brooks. I'm the attorney for
25 FERC on the Metro Project.

1 MR. SPENCER: I'm Michael
2 Spencer. I'm the engineer.

3 UNIDENTIFIED: Can you stand up so
4 we can see you.

5 MR. MURPHY: Pat Murphy,
6 wildlife biologist.

7 MR. HANNULA: Jack Hannula, I'm
8 responsible for evaluating recreational land use
9 and aesthetics.

10 MS. HARRIS: Stefanie Harris.

11 MR. KONNERT: Okay. If you don't
12 mind, is it okay if I sit while I do the rest of
13 our introduction presentation?

14 As I'm sure that you know, we are
15 here today because the Metro Hydroelectric
16 Company has initiated FERC's integrated
17 licensing process for the proposed Metro Hydro
18 Project to be located on the Cuyahoga River in
19 Summit County, Ohio.

20 Under the authority of the Federal
21 Power Act, FERC has the exclusive authority to
22 license nonfederal hydro projects located on
23 navigable waterways or federal lands, or that
24 are connected to the interstate electric grid.

25 In deciding whether to issue a

1 license, the Commission must give equal
2 consideration to developmental and environmental
3 values of the project. Environmental values
4 include fish and wildlife resources, including
5 the spawning grounds and habitat, visual
6 resources, cultural resources, recreational
7 opportunities and other aspects of environmental
8 quality.

9 Developmental values include power
10 generation, irrigation, flood control and water
11 supply.

12 The Commission must also ensure that
13 the project is best adapted for developing the
14 waterway for beneficial public purposes.

15 Today we are here to solicit your
16 comments and get your input about the project,
17 find out basically what are the potential
18 impacts going to be with the licensing of this
19 hydroelectric project on the Cuyahoga River.

20 I'd like to start off by just saying
21 I know -- I recognize some faces from the
22 meeting earlier today, and I think I spoke with
23 some of you about if you're going to be making
24 comments this evening, you're more than welcome,
25 I'd just like to make sure that people who

1 couldn't make it to this morning's meeting get a
2 chance to speak at this evening's meeting. So
3 those that spoke this morning that wish to speak
4 again today or this evening, if you could just
5 give everybody that didn't get a chance this
6 morning a chance this evening before you get up
7 to speak.

8 These comments are going to be
9 recorded by the court reporter, with a
10 transcript of this meeting being filed for the
11 public record for the license -- for this
12 licensing proceeding.

13 Because this is going to be put on
14 the record, I'm going to ask you to please, when
15 you make comments, please step up to the
16 microphone, the podium that we have there, and
17 state your name clearly. This will enable us to
18 hear your comments clearly, and also for the
19 court reporter to associate your comments with
20 who you are.

21 These comments and information will
22 be used by the Commission in preparing our NEPA
23 document, which could be an environmental
24 assessment or environmental impact statement in
25 which we analyze the potential effects that the

1 project, the proposed Metro Project, may have on
2 the environmental resources.

3 These comments may also be used in
4 the more immediate future in the development of
5 any studies that may be needed to address
6 questions surrounding the proposed project.

7 In a second here I'm going to hand
8 over the mike to David Sinclair, representing
9 Metro Hydroelectric Company, to give his
10 presentation of their proposal for the proposed
11 Metro Hydro Project.

12 After his presentation, I'm going to
13 briefly list the alternatives to their proposal
14 that we will be evaluating in our NEPA document,
15 as well as the resource issues that the
16 Commission has identified in our Scoping
17 Document 1, which we issued on July 1st of this
18 year, and is one of our handouts that we
19 provided out there on the table for you. After
20 this, that's when we're going to open up the
21 discussion and give you all an opportunity to
22 speak about issues surrounding the project and
23 the river. Okay? I'm going to hand it over to
24 Dave now.

25 MR. SINCLAIR: Thank you, Tim.

1 My name is David Sinclair. I'm the
2 president of Advanced Hydro Solutions, and it's
3 our subsidiary company, Metro Hydroelectric,
4 that is the proposed developer of this site.

5 So what I'd like to do this evening
6 is to take the opportunity to talk to you a
7 little bit about the project so that as you
8 address your comments, you can see how they fall
9 in.

10 We are a company that is very
11 committed to the generation of green energy. We
12 believe in green energy, and we believe in hydro
13 as the best green energy available.

14 We are a Fairlawn-based company, and
15 we're backed up by some local investors. We are
16 developers of sites such as this one,
17 specifically where there are existing dams. So
18 we go looking for existing dams that may be
19 adaptable to the purpose of making hydroelectric
20 power. We also help other people who are
21 developing sites as well.

22 So as I said, we are believers in
23 hydroelectric power and green energy as a very
24 needed resource for the future as we all
25 continue to consume more and more energy.

1 Just a little history of the Gorge
2 site. And there are probably many people in
3 this room who know the history better than I do.
4 But the dam was built in 1912 by the Northern
5 Ohio Traction & Light Company for the purpose of
6 making hydroelectric power. They had a power
7 station about a mile and a half downstream from
8 the dam, and they had a pipe, a 90-inch pipe --
9 we call it a penstock -- go that whole distance
10 on a series of concrete saddles. I've said up
11 here that they went about 3 megawatts, this
12 morning I was corrected, it was about 1.5
13 megawatts.

14 In December of 1929, the Northern
15 Ohio Power & Light Company, as it had changed
16 its name then, donated 144 acres to the Akron
17 Metro Park. And in that donation and as a
18 prerequisite of that donation, they maintained
19 certain rights associated with the production of
20 hydroelectric power.

21 Now, again, they went into production
22 in 1913, and at this point they are still making
23 that power. And they actually did make power
24 through 1958. So for that many years, some 46
25 years, they made power, and 30 of those years

1 they have coexisted with the park.

2 Now, as such, they held back, in this
3 deed transfer of that donation, they held back
4 certain rights, as you would if you were in
5 business in the park. They maintained the
6 ownership of the dam and the rights to operate
7 hydroelectric facilities at that site, rights to
8 the water, the banks, egress in, egress out, to
9 maintain, to rehabilitate, to expand that
10 particular site. And these rights were
11 maintained in perpetuity to all successors and
12 assigns.

13 Now, the successor company, along
14 with others, is Ohio Edison, as we know it
15 today. It is now called the Ohio Edison Dam.
16 And they have provided us with an easement on
17 those rights.

18 As I said, this is about bringing the
19 dam back to its original purpose. We're looking
20 at this dam as an existing asset that is here,
21 that is sitting there, having been built for
22 hydroelectric power, but doing nothing today.

23 And so we look to use the existing
24 facility as much as possible. There is an
25 existing head gate structure, and I'll show you

1 some pictures of that. There are the existing
2 saddles that supported that penstock, and we're
3 going to use that as much as possible in our own
4 development. We're going deviate from that a
5 little bit, instead of going a mile and half
6 downstream, we're only going to go about 600
7 feet.

8 We're going to put up a new
9 powerhouse down adjacent to the river, and then
10 connect underground power cables up to the
11 transmission line at the top of the hill which
12 exists. So we're going to develop this project;
13 we believe we are applying to do so. But one
14 thing I want to make very clear: We are an
15 environmentally sensitive organization. We like
16 parks, too, and we want to do this in the very
17 best fashion possible with real recognition of
18 the issues associated with construction of any
19 project in any environment, let alone in a park.

20 Now, I'm going to talk a little bit
21 about that as we go along. Ohio Edison has also
22 signed a contract with us to purchase the power
23 from this project for the next 20 years.

24 Here shows the existing intake
25 structure. And if you go down to the pool,

1 you'll see this structure on the left side of
2 the dam if you were walking along the north
3 bank. And this is where the water used to go
4 in.

5 Can everybody see my dot okay? Good.

6 And it used to go through this
7 gridwork, if you like, and that would be
8 replaced by a proper fish screen and trash rack
9 to keep trash and fish from going down the
10 penstock. And our plan is to rehabilitate this
11 structure. This building housed the old valve
12 they used to shut off the water going down the
13 pipe. And here is the top of the platform that
14 you can see as though you're standing on it. So
15 we want to clean up the appearance and reutilize
16 this facility.

17 Just on the other side of the dam,
18 those of you who have been down there recently,
19 will recognize that this piece of equipment,
20 which was installed by a prior company a few
21 years ago -- it's a demonstration facility. It
22 was never licensed, it was never connected to
23 the grid. But it is a hydroelectric test plant,
24 if you like. They used it to develop and try to
25 develop different designs of turbines. And the

1 turbines are in here, and there's a little
2 control house over here. The water is siphoned
3 over the dam through this white penstock.

4 We believe that this is of little
5 value to society, and that as part of this
6 project, we are providing funds to remove this
7 facility, and so clean up this whole site. What
8 you will see when it's gone is nothing more than
9 the pipe coming out of the dam and crossing
10 over. You can actually see the first of the few
11 saddles there if you've got good eyesight. And
12 we'll do some site cleanup as well.

13 Now, I talked about that penstock.
14 From a different view, here's the hole that's in
15 the side of the dam. That's about 90 inches in
16 diameter. There's a 16-inch drainpipe coming
17 out of it at the moment. It's this hole that
18 goes through the head works on the other side of
19 the dam. Our plan is to connect a new pipe in
20 this same location.

21 In taking this picture, I'm standing
22 inside that hole, looking out at the first of
23 the saddles that go on downstream.

24 Here's a picture, a couple of
25 pictures of those saddles, you can see them from

1 different views, been there since 1912. They're
2 on 10-foot centers, and they do need some
3 refurbishing, but otherwise, they're in terrific
4 shape. One has to admire the engineers of 1912.
5 There's some cleanup required, perhaps some
6 retention, because as you can see, there has
7 been some soil erosion and flow down the hill
8 which would need to be retained.

9 Our plan is to go about 550 feet, so
10 use the first 55 of these saddles, and then turn
11 off the saddle and go downhill, over the top of
12 what is essentially a bit of an abutment or a
13 cliff, and down to a plateau at the water's
14 edge. This is that plateau, if you like, looked
15 at it from the other side of the river. Here is
16 the cliff or abutment that we would come over,
17 and the powerhouse would be situated here.

18 Our plan is to keep it behind these
19 trees so that most of the year, you won't be
20 able to see very much of the powerhouse at all.
21 One of the things we're really trying to focus
22 on is making sure that the powerhouse is as
23 small as possible, that way we provide for the
24 equipment to fit, but in the neatest fashion and
25 in the smallest footprint.

1 Just in case that wasn't clear,
2 here's a bit of a map. Unfortunately, it's just
3 a sketch, but it does give you the idea of what
4 we're trying to accomplish. Here is the
5 penstock coming out from the existing intake
6 structure going on downstream. Now, the saddles
7 keep going. And as I said, they keep going for
8 a mile and a half. Our plan is to go the first
9 550 feet, turn off those saddles, go downhill
10 and then over the cliff and into the powerhouse,
11 coming in vertically.

12 There will be a tailrace coming out
13 of the powerhouse, and it will bring the water
14 back into the river at this point. We have sort
15 of given it a little bit of a funny shape so
16 that the water is disbursed without additional
17 erosion. We are also trying to focus on
18 bringing the water downstream as opposed to
19 crossing the river and doing further erosion on
20 the other bank.

21 One of the key aspects that has
22 changed since the filing of the PAD is our plan
23 for the access road. We've looked at different
24 options, are continuing to look at different
25 options. There is an existing concrete PAD

1 that's in about this location adjacent to the
2 hiking trail. Our plan is to put an access road
3 in and another parking area, if you'd
4 like -- not parking area as much as equipment
5 area down at this point. But not taking it down
6 to the river's edge. So we will stop here on
7 the abutment above the powerhouse, and then lift
8 all of the equipment in from that point. This
9 enables us to do it with less intrusion.

10 The access road itself is about the
11 size of the hiking trail, or a -- the biking and
12 jogging trail that's just gone into Sand Run.
13 So a narrow pathway just wide enough for the
14 equipment. A buried power line then coming out
15 of the powerhouse, going up the hill and
16 connecting to the existing transmission line,
17 again, that's alongside that hiking trail.

18 Now, one of the things I want to
19 bring attention to that has been expressed as a
20 concern, this dotted line represents a combined
21 sewer outlet owned by the City of Akron known as
22 CSO number 34. This is an outlet pipe, it's
23 about 30 inches in diameter, which is controlled
24 by a valve at the top of the hill. You can see
25 it if you walk down the pathway.

1 If there's more than one-tenth of an
2 inch of rain, the valve opens and allows water,
3 rainwater and other water and other elements to
4 flood straight back into the river. Now, this
5 whole CSO structure that is used by the City of
6 Akron is under study and remediation. It's a
7 long-term, very expensive program. And
8 according to the city, they have this in their
9 plans to replace and redirect to elsewhere,
10 store the water and not let it go into the
11 river, which we all applaud; however, it doesn't
12 look like they're going to get to it until about
13 2021. So this is not quite within my time frame
14 of how I'd like to accomplish this.

15 So we have to look at this. We have
16 to look at what happens in this circumstance.
17 What is the river flowing at when that normally
18 opens? What's the weather conditions? And so
19 we've requested from the City of Akron the data
20 associated with the opening: How much did you
21 release? When did you release it? Under what
22 conditions? We can then compare that with the
23 historical data of the flow of the river and
24 look at the historical dilution of that material
25 and water that's coming out of the CSO.

1 If it turns out that our project,
2 because we will divert water down this pipe,
3 will have effectively reduced the flow here to a
4 level that no longer dilutes that CSO
5 sufficiently, then we have to make other plans.
6 So that's a study that we have to do.

7 One of the plans, one of the options,
8 of course, is to reroute the CSO to come out not
9 here, but somewhere down here after the water is
10 back in the river. So you'll have the full
11 dilution that you had before. But this is one
12 of the key studies that we have to do.

13 As I mentioned, we want to do this in
14 an environmentally and socially acceptable
15 fashion with solutions that are the best
16 solutions available to us today to do this. The
17 temporary access road, we actually have just
18 completed a survey of the whole site, and that
19 survey was conducted with lasers and with
20 standard survey techniques, and it creates for
21 us a three-dimensional engineering drawing of
22 the entire site.

23 We then had surveyors come back in,
24 we showed them where we were looking to put the
25 access road, and we had them identify, catalog

1 and inventory every tree that was within that
2 range that was over 6 inches in diameter. So
3 that as we lay in the prospective path of that
4 access road and of the penstock once it comes
5 off the saddles, we can do so in a fashion that
6 minimizes disruption to mature growth. Those
7 are choices we make. We can make it wind around
8 the trees.

9 We need to keep away from the
10 riverbank. We have designed the powerhouse to
11 stay some 20 feet back from the riverbank. That
12 will allow us to keep the trees that are still
13 there. We need to be sensitive to soil erosion.
14 When you cut a path through a forest, especially
15 one on the side of a hill, you have to be very
16 conscious of what you're doing, comply with the
17 local permits and also make sure that you don't
18 cause additional erosion of the hill.

19 We want to make the powerhouse
20 aesthetically pleasing. Even though we believe
21 we'll be hiding it in the trees and tucking it
22 up against the cliff, we still need to make it
23 as aesthetically pleasing as possible.

24 We want to manage the water discharge
25 so that it does not cause erosion of the river,

1 and install some additional hillside erosion
2 control in the affected area; and other planting
3 and other mitigation as required.

4 Just to give you a little idea of how
5 we go about the mathematics of this thing, this
6 is a curve that represents what we call a flow
7 duration curve. It gives you the percentage of
8 time that the flow in the river exceeds a
9 particular value.

10 Now, we're blessed by the fact that a
11 few miles downstream is the USGS gauging center,
12 gauging site, and the information for the last
13 92 years of flow of the Cuyahoga River is
14 readily available on the Internet. We took that
15 data for the last 20 years and looked at the
16 flow on a daily basis and constructed this
17 graph. And we used this to try to select the
18 right size for the plant.

19 The first thing we have to do is to
20 recognize that there will be a minimum flow
21 requirement to go over the dam at all times. We
22 can't use this as a peaking plant. This is a
23 run-of-the-river plant, as it's called. You
24 have to let water go over the dam at all times,
25 and you can only use as much water as God gives

1 you. And so there is a minimum amount of water
2 that goes over the dam at all times.

3 We then take this next slice and use
4 it for energy production. Take it out from the
5 side of the dam, pass it through the powerhouse
6 and put it back in the river. And then, of
7 course, anything over that flows back over the
8 dam as well.

9 There are also a lot of choices you
10 make in terms of the type of technology in
11 turbines that you can use. If you've been to
12 Boulder Dam and other dams like that, you've
13 probably seen what we call reaction turbines.
14 They're more like a spiral casing or a propeller
15 style.

16 A couple of the aspects of those
17 types of machines are that they have to be
18 submerged in water at all times. They're not
19 allowed to have cavitation. If you're a boater,
20 you know that cavitation hurts your propeller,
21 so it does for these things, too. And that type
22 of turbine, its very nature tends to heat the
23 water and remove oxygen content from it. So
24 it's not quite as environmentally friendly as we
25 like.

1 So we have deliberately chosen a
2 technology called a cross-flow machine, and it
3 is essentially a -- like a waterwheel. Imagine
4 a drum which has some blades, curved blades on
5 it. And there's a little bit of a sketch for
6 those of you at the front can see, of this drum
7 with the blades on it. The water comes down,
8 hits these blades, pushes them aside and starts
9 the rotation. The water then falls through the
10 turbine and hits the blades again on the other
11 side, hence the term cross flow.

12 Now, what this does is it has a
13 tendency, of course, to beat the water. And you
14 actually find an ingestion of oxygen at that
15 point. It literally creates a bit of a vacuum,
16 and you have to allow for air to enter the
17 system, and it increases the dissolved oxygen
18 content of the water.

19 Now, it's not quite as efficient as
20 some of those other machines, so there is a
21 penalty that's paid for using this technology.
22 But we think with the issues associated with the
23 Cuyahoga River, that is this is a more sensible
24 choice.

25 It's also a very quiet machine. Some

1 of these machines are not as quiet as you'd
2 like. This one is relatively quiet. I visited
3 some of these sites here recently with these
4 type of turbines, and I was pleasantly surprised
5 just how quiet they are.

6 Our capacity that we're looking at is
7 somewhere around two-and-a-quarter megawatts.
8 It's comprised of two machines so that we can
9 operate with one off if there are lower flow
10 conditions, and we can maximize the energy
11 production. The net annual generation is
12 somewhere between 10,000 and 12,000 megawatt
13 hours. And that works out roughly to the amount
14 of power necessary for 2,000 homes.

15 We are here today as part of the
16 integrated licensing process that has been
17 recently introduced by the Federal Energy
18 Regulatory Commission. As part of that process,
19 we filed, in May, a document called a
20 pre-application document, a PAD. And you'll
21 hear us refer to that quite a bit today. That
22 document is available on our website and on the
23 FERC's website.

24 When we filed that PAD, we provided
25 the FERC and the public with a lot of the

1 information associated with the project, project
2 boundaries, the project issues. We identified a
3 lot of what we perceived the issues to be and
4 the concerns that we've identified need to be
5 addressed. Some of those I've already talked
6 about.

7 Some of the environmental issues, of
8 course, will need to be studied. We'll have to
9 do some studies to see what the impact will be,
10 and create some remediation plans. Part of that
11 is meeting with the individual groups and the
12 involved parties, and some of it is public
13 meetings like we're having today. But this is
14 all part of the process.

15 Now, in that PAD, we provided a
16 tabulation of some of the issues. And I'm not
17 planning to go through each of these, but you'll
18 find them in that document. Issues that we've
19 identified that need to be addressed. Just the
20 first column, I've sort of summarized here the
21 resource that's affected, whether the impact of
22 the project is beneficial, adverse, potentially
23 adverse or minor.

24 Some of the comments associated with
25 that particular resource, some of the issues we

1 might see, what measures are required to offset
2 some of those issues. For instance, we talked
3 about having a fish screen to stop the fish
4 coming in so that you don't increase fish
5 mortality. We talked about the CSO, the
6 combined sewer outlet, how we need to study the
7 impact of that CSO and come up with a plan.
8 Here are two more pages of those same sorts of
9 issues.

10 One particular one there, of course,
11 I'd mention again, is the aesthetics. We're
12 going to improve them, on one hand, by the
13 removal of the previous facility, and we're
14 concerned about keeping the minimum flow over
15 the spillway and making sure that the new
16 powerhouse is an aesthetic design.

17 For northeastern Ohio, we see certain
18 benefits. This asset exists within our
19 community. Some might not see it that way. We
20 looked at it and saw an asset that was not being
21 utilized, and one that was available for green
22 energy generation.

23 Now, over the life of the project, if
24 you generate power from this site, it means that
25 we don't have to generate that same amount of

1 power from some other site, such as coal-fired
2 power stations. If that's the case, and over
3 the life of the project, some 50 years, we would
4 save our community 1.25 billion pounds of CO2
5 being emitted into the atmosphere. So while
6 some say this project is not a large project, it
7 is large in terms of some of the potential
8 benefits to the community. It provides us
9 native generation within the load center, and it
10 provides a stable and predictable energy cost
11 for the future.

12 Hydro itself is, I believe, one of
13 the best renewables that we have available to
14 us. It's played an important role in building
15 the infrastructure of the United States. Before
16 we had a national grid system, a lot of the
17 industries located themselves by rivers and used
18 hydro to drive their processes. You go to a lot
19 of paper mills up through New England and up
20 through Wisconsin now, you'll find each one of
21 them has their own hydro facility, because
22 that's all they had in the old days.

23 It provides a stable, predictable
24 energy on a local basis. It has no waste
25 product. It does not consume a nonrenewable

1 resource. And it has limited impact,
2 particularly when you're using an existing
3 facility such as this one.

4 So in summary, we believe in this
5 project. We believe in renewable energy. We
6 believe in green energy and hydro particularly.
7 And we believe that this asset can be put back
8 to use for the benefit of our local community.
9 Thank you.

10 MR. KONNERT: Thank you, David.

11 Okay. Along with the applicant's
12 proposal for the project, the Commission will
13 also be looking at two other alternatives in our
14 evaluation through this license process.

15 One of them is staff's modification
16 of the proposed action. This is where we will
17 consider and assess all alternative
18 recommendations for operational or facility
19 modifications, as well as protection, mitigation
20 and enhancement measures identified by the
21 Commission staff, any agencies, Indian tribes,
22 nongovernmental organizations, as well as the
23 general public.

24 The third alternative is the "no
25 action" alternative. Under the "no action"

1 alternative, the Commission would deny the
2 license, the project would not be constructed
3 and the site would remain as it is currently.
4 The "no action" alternative is our baseline for
5 comparing the effects of the applicant's
6 proposal and other alternatives.

7 We're going to briefly go over the
8 resource issues that we identified in our
9 scoping document. I'm going to pass the
10 microphone to each of the people to explain
11 their resources, but I'll start out with mine.

12 In terms of water resources, we're
13 going to be looking at the effects of the
14 proposed project construction and operation on
15 water availability and water quality of the
16 Cuyahoga River in the impoundment, the bypassed
17 reach, which will be the section of river which
18 will be bypassed by the project, water going
19 through the project, as well as downstream of
20 the project.

21 In terms of aquatic resources, we'll
22 be looking at the effects of project operation
23 on entrainment and turbine-induced mortality of
24 resident and anadromous fishes, as well as the
25 American eel.

1 We'll be looking at the effects of
2 the proposed project and construction and
3 operation on the quantity and quality of aquatic
4 habitat in the Cuyahoga River in the
5 impoundment, the bypassed reach and downstream
6 of the project, and we will also be looking at
7 the effects of the proposed project operation
8 and construction on sedimentation along the
9 Cuyahoga River, again, in the impoundment, the
10 bypassed reach and downstream of the project.

11 MR. SPENCER: For socioeconomics,
12 we'll be looking at the effects of the proposed
13 project construction and operation on employment
14 and local services within the town and county
15 and vicinity of the project.

16 And for developmental resources, the
17 effects of any recommended environmental
18 measures on project economics.

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

23 For terrestrial resources, we'll be
24 evaluating the effects on terrestrial and
25 wetland resources from removal of three acres of

1 land with construction of the new and improved
2 project facilities.

3 Threatened and endangered species,
4 the effect of the proposed project construction
5 and operation on threatened and endangered
6 species in the vicinity of the project.

7 MR. HANNULA: For recreation
8 resources and land uses, we'll be looking at the
9 adequacy of the proposed recreational facilities
10 to provide access to project lands and waters,
11 the effects of proposed project construction and
12 operation on existing recreational resources in
13 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. Just before
19 we open up discussion for you guys to talk, I
20 forgot to mention it before, I'd like to note
21 that you are welcome to file written comments to
22 go along with any oral comments that you have
23 today. You don't need to file written comments
24 if they basically state exactly what you mention
25 today; but if for some reason you didn't get to

1 address an issue or you feel like you didn't get
2 to address it fully, we encourage you to file
3 written comments with us at the Commission.

4 Procedures on how to do this are
5 included in the scoping document that was
6 located outside. We carry -- whether they're
7 written comments or they're comments that you
8 give orally here today, they carry the same
9 weight, so we encourage you to do so.

10 In addition, I just got -- I know in
11 our sign-in sheet we had a little check box to
12 note that if you had any prepared oral
13 statement. We're just trying to get an idea of
14 the number of people who want to get up and
15 speak today just in terms of time
16 considerations. Could I get a raise of hands of
17 people who think they might get up and talk? I
18 mean, I just want to see if we need -- okay. We
19 didn't want to have to put any time constraints
20 on anybody, but we want to make sure that
21 everybody gets a chance to speak. Okay?

22 All right. Now I'm going open it up.
23 Again, feel free to just walk up to the podium.
24 I'll let you try to regulate yourselves. If
25 need be, I'll step in in terms of who gets to

1 speak. I just would like to say that
2 anybody -- again, anybody who got a chance to
3 speak this morning, if you would just please
4 give other people a chance to begin with to get
5 their statements in and then make yours if you
6 need to. Okay?

7 All right. Well, let's begin. Oh,
8 I'm sorry. And to just reiterate, please speak
9 clearly and introduce yourselves when you're
10 making a statement. Thank you.

11 MS. MATIAS: Hello, my name is
12 Eileen Matias, and I'm from West Akron, Ohio.
13 And I believe that the Cascade Valley Metro Park
14 Gorge should be preserved for the natural beauty
15 of the trails and the river. Tourism would
16 bring in more money to this area. The trails
17 are great for hiking, the river is great for
18 rafting. For bird watchers, there's an
19 opportunity to see a number of birds including
20 kingfishers, blue heron, greenback heron, as
21 well as robins, blue jays, sparrows, cardinals
22 and red-tail hawk.

23 For the flora and fauna lover, the
24 wildflowers are abundant, especially the white
25 trillium, wild ginger and violets, as well as

1 plants that are endangered and only grow in that
2 area.

3 The history of the area is preserved
4 with locks 10 through 15, the steepest section
5 of the Ohio Erie Canal. As an artist, I look
6 forward going to the Gorge, taking pictures for
7 reference and also doing some sketching.
8 There's always something new to discover every
9 single time I visit.

10 Preserving the area for its natural
11 beauty and developing it to be shared with
12 others is more important, especially since it
13 has just been reached that the Cuyahoga Valley
14 National Recreation Area -- I'm sorry -- the
15 Cuyahoga Valley National Park was voted as the
16 third most visited park in the United States.
17 Thank you.

18 MR. MARSH: Good evening. I'm
19 Harold Marsh. I'm associated with Friends of
20 the Crooked River. I'm their outing slater and
21 their treasurer.

22 I would like to direct my comments
23 this evening to the recreational use of the
24 Cuyahoga River in Gorge Metropolitan Park in its
25 vicinity and the impact of the Advanced Hydro

1 Solutions project of this recreational use.
2 More specifically, I will focus on boating on
3 the Cuyahoga River in this area, as boating is
4 more directly tied to the river than any other
5 uses of the valley.

6 And it is a river that is a creator
7 and core of the valley. Historically, there
8 were two sections of the river that have been
9 used by boaters. The upper gorge starts above
10 Portage Trail Boulevard and ends at the dam pool
11 created by the Ohio Edison Dam. And so the
12 upper gorge is what is going right by the
13 Sheraton out here.

14 This 0.7 mile stretch of whitewater,
15 with an elevation drop of 70 feet, giving it a
16 drop per mile of 104 feet, is the main
17 parameters of that section. A 0.5 mile portion
18 has been run by expert paddlers at very narrow
19 ranges of water levels. This section currently
20 gets little use due to its short length and due
21 to water quality issues for this section of the
22 Cuyahoga.

23 There is another short section of
24 whitewater starting immediately below the Edison
25 Dam and continuing to the vicinity of the Signal

1 Tree in Cascade Valley Park. This lower gorge
2 has a drop of 63 feet and a distance of 0.9
3 miles, for a drop per mile of 68 feet per mile.
4 This stretch of the river is suitable for
5 intermediate-level paddlers and in a wider range
6 of water levels.

7 Again, the short length of this
8 section and water quality issues limit the use
9 by boaters. The water quality issues are being
10 addressed by Akron, Cuyahoga Falls and Ohio EPA,
11 and improvements will be made in the future.

12 In the upper -- in between the upper
13 gorge and the lower gorge is 1.1 miles of the
14 Cuyahoga River that is buried under the dam pool
15 created by the Ohio Edison Dam. The drop on
16 this stretch of hidden river is 42 feet per
17 mile. Judging from the unique beauty of the
18 upper gorge, as can be seen from the Sheraton
19 here or from Broad Boulevard or from the
20 Prospect Street bridge, and the unique beauty of
21 the lower gorge, this 1.1 miles of hidden river
22 can also be expected to be uniquely beautiful,
23 as well as an exciting whitewater run.

24 The original falls, or great falls of
25 the Cuyahoga, are located at the present Ohio

1 Edison Dam site, and have a drop of 22 feet and
2 three tiers. The Ohio EPA, due to the TMDL, are
3 requesting removal of all nonfunctioning dams on
4 the Cuyahoga, and have contacted -- they have
5 contacted FirstEnergy to begin negotiations for
6 removal of the Ohio Edison Dam, along with the
7 two smaller dams at Portage Trail and Broad
8 Boulevard. This would free up the river for
9 fish migration, and eliminate the dam pool with
10 resultant improvement in water quality.

11 This would also provide a continuous
12 stretch of whitewater from above Portage Trail
13 to the Signal Tree area of Cascade Valley Park.
14 The distance is 2.7 miles, and the drop, 200
15 feet, for a drop per mile of 73 feet per mile.
16 It would include the original great falls with
17 its three-tiered drop of 22 feet just waiting
18 for a modern first descend.

19 Now, let us look at the alternative.
20 The AHS, the Advanced Hydro Solutions' situation
21 would dewater and block access to 875 feet of
22 the lower gorge. This is the distance from the
23 dam to the discharge of unit number 2 in the AHS
24 diagram. This is the best 875 feet of the lower
25 gorge. It includes the Butterfly Rock

1 hydraulic. The grade is highest just below the
2 dam and diminishes as you proceed downstream
3 towards the Signal Tree area. The Gorge
4 essentially ends at the AHS installation site,
5 with the river bed opening into a wide valley.

6 The potential 2.7 miles of continuous
7 whitewater would shrink to two disconnected
8 sections of 0.5 miles in the upper gorge and 0.7
9 miles in the lower gorge.

10 We request a study of how this
11 project will affect recreational boating. Since
12 water quality improvements will be made, and
13 since the Ohio EPA is requesting the removal of
14 the three dams on the upper and lower gorges,
15 the study should look not only at the current
16 boating situation, but also the potential
17 situation with improved water quality and the
18 absence of the three dams.

19 Thank you for your consideration.

20 MR. LANDEFELD: Good evening. My
21 name is Kurt Landefeld. Until last fall I was a
22 resident of Boston Township. I'm now a resident
23 of Huron, Ohio, in Erie County. However,
24 because my business is located in Akron and I
25 still enjoy the benefits of the Metro Parks

1 Serving Summit County and the Cuyahoga Valley
2 National Park, I felt compelled to speak out in
3 opposition to the proposed hydroelectric plant.

4 Many others have spoken earlier today
5 and spoken eloquently about the limited
6 commercial benefits of this plant and about the
7 dangers posed to the environment within Gorge
8 Metro Park. I want to speak to the long-term
9 impact on the river itself, and by extension, to
10 the Cuyahoga Valley.

11 As I'm sure you're aware, hundreds of
12 millions of dollars have been spent over the
13 past 20 years extending and creating park lands
14 along the entire valley. What has been the
15 overriding goal of these combined efforts from
16 local, state and federal governments? To
17 transform the Cuyahoga River Valley from its
18 polluted industrial past into a leisure,
19 educational and environmental resource.

20 Because I'm a marketing professional,
21 I look at a transformed valley as an asset that
22 can and does draw visitors from all parts of the
23 country. But despite the tremendous progress
24 that has been made in this transformation, there
25 remains one glaring obstacle, the high levels of

1 pollution that prevent the Cuyahoga River from
2 becoming a major educational and environmental
3 resource we need it to be, is the valley itself,
4 is fulfill its new mission within Northeast
5 Ohio.

6 To be sure, the river's pollution
7 issues extend far beyond the scope of this
8 project, but if you approve this project, you
9 will send a message up and down the valley that
10 will reverberate for years, even decades to
11 come.

12 Your approval will signal that the
13 Cuyahoga River, especially in this critical
14 stretch, is still an industrial river. Your
15 approval will signal that the public interest,
16 served by transforming the Cuyahoga River into a
17 renewed resource, takes a back seat to a very
18 limited commercial interest. Your approval will
19 signal that those responsible for taking on much
20 larger efforts to clean up this river can
21 perhaps ease up a bit.

22 If we were having this conversation a
23 century ago, perhaps I would be of a different
24 mind. But a century ago, this was a hardworking
25 valley and this was a hardworking river. But

1 those times are gone. A hydroelectric plant on
2 this river, in this valley, is the wrong place
3 at the wrong time.

4 I urge you to vote against this small
5 private interest and in favor of a larger public
6 interest. Thank you.

7 MS. HARDMAN: My name is Robin
8 Hardman. I'm vice-president of the Akron Garden
9 Club and represent them here this evening.

10 Akron Garden Club has had an 18-year
11 history in trying to preserve and protect the
12 Northern Monkshood. We have worked in
13 conjunction with the Holden Arboretum, the Metro
14 Parks of Summit County and the Cincinnati Zoo
15 Botanical Garden.

16 This is a very rare native plant.
17 Over \$5,000 was donated by the Akron Garden Club
18 in 1987 to initiate a project to try to
19 cultivate and propagate this plant. And
20 hundreds of man-hours have been invested in
21 trying to rescue this plant from extinction.

22 From only 8 plants in 1980, there are
23 now 60 plants at the Gorge site. This is
24 encouraging, but the major construction several
25 hundred feet away would be disastrous. The

1 Gorge is a rare ecosystem, and an ecosystem that
2 supports many unusual species. This hydro plant
3 would destroy four of the best wooded acres of
4 this ecosystem.

5 Last summer, another plant, the
6 Wood-Reed, was found growing in the vicinity of
7 the Monkshood. This plant was thought to be
8 extinct in Ohio. It had not been sighted for
9 over 20 years. The Wood-Reed plants found at
10 this site in the Gorge are the only known plants
11 in this -- of this species in Ohio. The Akron
12 Garden Club strongly objects to this
13 hydroelectric plant project. Thank you very
14 much.

15 MR. PROUY: My name is Dennis
16 Prouy, and I'm a resident of Akron, Ohio. Let's
17 cut to the chase. This is nothing more or less
18 than a scam by FirstEnergy. And FERC, you ought
19 to be ashamed for playing along again.

20 The predecessor company of Advanced
21 Hydro was Universal Electric, and they stole
22 millions of dollars from investors. And these
23 same people worked for Universal Electric.

24 When I blew the whistle and wore a
25 wire to their investor meeting, a wire for the

1 FBI and for the securities fraud division, for
2 which they were found guilty of 17 counts of
3 fraud, and they're back again. And the meeting
4 was held right in this room, the annual
5 investors' meeting. And they were found guilty
6 of fraud by the State of Ohio, and they're back
7 again because FirstEnergy can use them. They
8 want that dam not torn down for 50 years. And
9 they don't care if they produce hydropower.

10 But to get me to stop from telling
11 the other investors that they were stealing
12 millions from, they sued me and got a local
13 judge to put a gag order so I couldn't tell the
14 other investors. So they stole a couple million
15 more. And I lost \$200,000 in legal fees trying
16 to protect my name.

17 Well, I'm back. I'm back. And, you
18 Ken Brown, lead engineer for the project, never
19 handed in anything more than pencil sketches.
20 You don't know what a blueprint is. And you,
21 FERC, sent out Dick Hunt. Do you remember Dick
22 Hunt? Your stooge who told investors that this
23 was going to work?

24 Or you, Mr. DiLillo, who stood up
25 there and said that we had over a billion

1 dollars in power sales agreements. It's on the
2 record because they recorded it, and it came out
3 in trial.

4 Now, I want to know, FirstEnergy,
5 what lead hydro engineer did you send out to
6 sign this power sales agreement who certified
7 the technology they're claiming to build?
8 Because any moron knows you get the power out of
9 water when it falls, not when it runs
10 horizontally a mile down the side of the road.

11 We had an engineer come in, a top
12 scientist, who said it breaks the second law of
13 thermodynamics, this will never be cost
14 effective, and it'll come back to the taxpayers
15 and say pick up the tab, because hydro has to
16 run all the time. But they only buy power at
17 peak hours. Off peak hours sell for a penny.
18 This is 8 cents a kilowatt.

19 It's a scam. And it's just so
20 FirstEnergy won't have to pay to clean up that
21 dam. And it's shameful that the federal
22 government is playing along, because you guys
23 get job security by playing the hydro permit
24 game. That's exactly what it is.

25 That group itself has filed 165

1 preliminary permits, and you never once asked
2 for documentation. Not for environmental
3 studies, not for how the technology works,
4 nothing. So they went ahead on their own
5 because you guys weren't strong enough as a
6 federal government to say, "You will not install
7 this technology until you prove it works."

8 So they installed it in Traverse
9 City. Well, look it up, the Hatfield Project.
10 That gentleman right down there was the lead
11 engineer. The thing blew apart, almost killing
12 the people on the side of the turbine. And the
13 guy who ran it sued them to remove the scrap.
14 That's the only one they ever saw.

15 The technology doesn't work. You
16 didn't see any technology up there, did you?
17 You know what I'm talking about? Oh, we'll save
18 the trees. We counted them. I want to know who
19 certified this technology. I want to know who
20 the lead engineer is in their staff of which
21 they only have a couple full-time people. Who
22 is the lead engineer, the design engineer and
23 what have they installed in the last 10 years
24 that worked? Because this is a scam on the
25 public. It's a scam on taxpayers.

1 And if you want to look it up, you go
2 to the court and see the names of the crooks who
3 are part of Universal Electric Power. They scam
4 people. Millions of dollars from this
5 community.

6 And they're still being sued. In
7 fact, the litigation that's in court right now
8 claims to own the property of the Gorge. These
9 people got a preliminary judgment, I think
10 probably because FirstEnergy has more powerful
11 attorneys, and said, "You guys get the Gorge."
12 Why? Because they want the dam there. We were
13 well on our way to tearing that dam down.

14 In fact, most hydro dams in the
15 United States are being torn down because
16 they're worthless. The only ones that are
17 staying are the huge ones. You see them,
18 Hoover, Coulee. The rest of them are gone.
19 Because they killed fish. They oxygenate the
20 water, and when you send it a mile downstream,
21 you heat the water up in the tube. Also, if the
22 tube doesn't fill up, you lose all the power.

23 They sued General Electric who
24 handled the project, the only electric company
25 who tested it. And their results said it would

1 never light more than 10 light bulbs, so they
2 got a court order, a gag order. I think we
3 should demand they take the gag order off,
4 right? Take a light bulb.

5 And, FERC, you know that. You
6 absolutely know that, because he submitted those
7 to you people and you wouldn't even stand up for
8 it when they were suing you. We were all alone
9 in court because you wouldn't, and Dick Hunt
10 disappeared. He's working for FERC again, isn't
11 he? Out in Idaho. He got a promotion. And all
12 of us investors lost our money.

13 There will be no hydropower plants
14 built because it's a waste of energy, it's a
15 waste of time, it is a waste of money, it will
16 not produce power, and all it will do is destroy
17 the ecosystem. And you ought to be ashamed.

18 I'm telling you right now, taxpayers
19 in this country are sick and tired of the
20 federal government sending out bureaucrats like
21 you who don't do a darn thing and leave us with
22 a bill. Now you're going to support these
23 crooks. They were all on the payroll when the
24 State of Ohio found them guilty of fraud, every
25 one of them. And they're doing it again. Thank

1 you.

2 MR. HILL: Wow. I had a
3 speech prepared. My name is David Hill. I'm a
4 citizen of Cuyahoga Falls. I'm also the
5 string-keeper for American Whitewater for this
6 section of the Cuyahoga.

7 UNIDENTIFIED: Can't hear you.

8 MR. HILL: My name is David
9 Hill. I'm a citizen of Cuyahoga Falls. I'm the
10 string-keeper of the American Whitewater falls
11 for the section of this river.

12 Hopefully those are the paddlers that
13 came out here to support the opposition through
14 this effort. Now, I have to commend you for a
15 lot of the comments that you brought up, because
16 I feel the same way. I do believe that it is a
17 scam. But I'm not up here to talk about that.
18 I'm up here to talk about the whitewater that is
19 available to paddlers down there in this section
20 of the river.

21 As Mr. Marsh had indicated, a drop
22 that we see, several hundred feet per mile, is
23 unheard of in Ohio. As local paddlers, we have
24 to hear the jokes all the time. There's no
25 whitewater in Ohio. Well, you know something,

1 folks? There is. The Gorge right out here,
2 there are a lot of paddlers who run that section
3 and run it safely. I paddle the lower section.
4 I'm not good enough to do that section out here
5 by the falls. One day I hope to. But I spent a
6 lot of time downstream.

7 It means a lot to me that Advanced
8 Hydro wants to dewater 800 feet of the best
9 whitewater in that lower section. When you
10 looked at their graph and it says that, you
11 know, the majority of the water that they're
12 going to take out is in that 500 cubic feet per
13 second range. The majority of that occurs
14 during the spring, when everybody paddles.

15 Summer months down there, there's no
16 water. They're not going to be generating any
17 power. There's nothing to turn those turbines.
18 And like you say, if the technology is not
19 there, you're not generating any power. If it
20 was a viable option, why didn't FirstEnergy step
21 up to do this? Because they're not going to
22 make any money on it. Just like these guys
23 aren't going to make any money on it. All
24 they're doing is postponing FirstEnergy's
25 obligation to deal with that dam.

1 There are other communities upstream
2 of us who realize the benefit of the river. The
3 City of Kent did a phenomenal job in bypassing
4 the dam and creating a park. The City of Munroe
5 Falls realized the same thing; they're lowering
6 their dam.

7 We have to realize that the Gorge is
8 a special place. The reason it's a special
9 place is because it holds a lot of endangered
10 species, it holds aesthetic value for people to
11 go down there and just spend some time, enjoy
12 the whitewater, enjoy the quietness, enjoy the
13 nature.

14 You make the comment that if they
15 allow this to go through, what we're saying is
16 this section should be industrialized. Well,
17 you know, think about the whole river. It's one
18 of the few rivers that flows north to south and
19 south to north. The Gorge is right at that
20 apex. Do we want that apex to be thought of as
21 hanging onto that industrial past back to 1912
22 when they put that in? Or should we capitalize
23 on it to draw more people into the park, to take
24 the park from the third -- from number three on
25 the list of being visited in the United States

1 to one or two?

2 You know, so think about this as an
3 idea, as a different approach to this whole
4 project. If you were to take the dam down, and
5 if we were able to deal with the sediments
6 behind there, imagine what we would have. The
7 City of Cuyahoga Falls would be able to see what
8 is their namesake, the great falls. I've never
9 seen it. I've seen part of it below the dam.
10 I've seen pictures, too, of what lies underneath
11 that reservoir.

12 Go to the historical society, talk to
13 some of the people there. They'll show you the
14 photographs and the postcards. It's beautiful.
15 There used to be a park down there. Prospect
16 bridge was the entrance to that park. It's a
17 great place.

18 And I think that everybody in this
19 room should step up and oppose this project,
20 because it is a sham, and it's not going to
21 work. And it's also going to take away one of
22 the best parks that we have, and it's right in
23 your own backyard. Thank you.

24 MR. GALLAGHER: Hi, my name is
25 Patrick Gallagher, and I'm a 12-month resident

1 of Cuyahoga Falls, and I'm a 12-month user of
2 the Gorge Park and the Glen Trail and Cascade
3 Park. And every time I run through the park or
4 walk through the park, which is virtually every
5 day, I think how nice it is that we don't have a
6 90-inch pipe, or however big the pipe is that's
7 going along the cement -- the cement basin. I
8 don't want to see them there.

9 And since I'm a 12-month user of the
10 park, I see what it looks like in the winter.
11 And there aren't leaves on the trees, and it's a
12 the whole different beauty that you see with
13 icicles coming off the cliffs, and I don't want
14 that contaminated by the eyesore they're talking
15 about and demonstrated on the screen today.
16 Thanks.

17 MS. YOVICHIN: It's a little
18 awkward, the situation where we have our back to
19 half of the people here. Hello, can you hear me
20 better now?

21 MR. KONNERT: Just say your name.

22 MS. YOVICHIN: My name is Susan
23 Yovichin from Clinton, Ohio, in southern Summit
24 County.

25 I'd like to voice my opposition to

1 the proposed hydroelectric project. The
2 environmental impact of this project would be
3 highly detrimental to the entire Northeast Ohio
4 area, while the potential energy production
5 would be minimal, at best.

6 As a concerned resident of Clinton, I
7 feel that preserving park land and safeguarding
8 water quality are of paramount importance. The
9 presence of the Metro Parks and the Ohio and
10 Erie Towpath have been vital in improving the
11 quality of life in Clinton, Ohio. Their
12 presence has had a positive effect in varying
13 aspects of life: environmental, aesthetic and
14 socioeconomic.

15 The park lands have reduced blight
16 and have drawn tourists to the village. More
17 than any other factor, park lands have made our
18 area a desirable place to live.

19 This ill-considered project would
20 detract from existing park lands and would delay
21 future improvements for 50 years. Let's deny
22 this application, and increase rather than
23 decrease our efforts to preserve our water and
24 parks.

25 Also -- thank you. That's my

1 prepared statement. I also have a question for
2 FERC. As -- well, it's a question about who is
3 doing the engineering. I would like to ask, who
4 will be responsible or is now responsible for
5 environmental studies? What body will be doing
6 that? Is that a governmental body, or would
7 that be contracted out to a private firm?

8 MR. KONNERT: In terms of
9 environmental studies surrounding the project,
10 in terms of answering questions about the
11 licensing for it? Well, actually, it's a good
12 question. We're in the process now, if you are
13 familiar with the process or have been following
14 at all, we are in a 60-day comment period right
15 now, where comments on the license -- the
16 applicant's preliminary application document, as
17 well as our document that we issued, the scoping
18 document, along with study requests. If anybody
19 has study requests that they think need to be
20 done, questions that need to be answered in the
21 licensing of the project should file them with
22 FERC by August 30th. That kicks off a whole
23 study plan process.

24 Okay. But in terms of carrying out
25 the studies, there's a whole process in

1 determining what studies need to be done, and
2 then the applicant will carry out the studies
3 over the next one or two years.

4 MS. YOVICHIN: So the
5 applicant -- the firm that's proposing the
6 project will carry out the studies themselves?

7 MR. KONNERT: Yes.

8 MS. YOVICHIN: And not an
9 independent governmental body?

10 MR. KONNERT: What happens is
11 they -- when these studies are performed, okay,
12 when these study requests go in, when we make
13 our study plan determination, any studies that
14 are being done are being done in consultation
15 with the local agencies and interested parties.

16 Okay. This isn't a matter of the
17 applicant saying, hey, we're going to just go
18 and do it our way, and, you know, and not put
19 the effort forth that maybe somebody might have
20 wanted when they requested the study. That's
21 part of the whole study process in terms of
22 getting the studies together is coming up with a
23 methodology, which includes consultation with
24 the appropriate agencies on how to go about
25 collecting the information.

1 MS. YOVICHIN: The data. But the
2 actual data, after this consultation, who will
3 issue the findings?

4 MR. KONNERT: Well, actually,
5 that's normally contracted out. Sometimes the
6 agencies will have the agencies do it. That's
7 dependant upon the study.

8 MS. YOVICHIN: That's what I
9 thought. That's not well known to the public,
10 and this is a highly controversial aspect of any
11 of these applications. And I thought that was
12 something that needed to be made public, because
13 it's not -- it's not usually stated that often
14 these are contracted out to private firms, and
15 conflict-of-interest investigations, I don't
16 think, are always well done. So that is all I
17 had to say on that.

18 MR. KONNERT: I'd like to add on
19 that usually in terms of who carries out the
20 studies, that's determined during the
21 consultation process. This is not a matter of
22 the applicant deciding we're just going to get
23 this person to do it and everything will be okay
24 with it. Okay. There's a lot of back and
25 forth. Agencies, interested parties have a say

1 in that.

2 MS. YOVICHIN: Thank you for your
3 time.

4 MR. KONNERT: You're welcome.

5 MR. BROWN: My name is Bob
6 Brown. I'm the project coordinator on the
7 Middle Cuyahoga River TMDL project in Kent,
8 Ohio.

9 On May 20th of this year, the City of
10 Kent dedicated its Cuyahoga River restoration
11 project, which took six years and \$5 million to
12 successfully restore a one-mile stretch of the
13 middle Cuyahoga River.

14 As some of you know, this section of
15 the river has been under the influence of the
16 Kent Dam for 160 years, and this project
17 actually bypassed the Cuyahoga River around the
18 Kent Dam and restored the former dam pool to a
19 natural free-flowing river.

20 The project allowed the natural
21 aquatic habitat and native fish species to
22 return to this section of the river, which has
23 been a major step forward in meeting the goals
24 of the 1970 Clean Water Act.

25 The next dam located downstream of

1 Kent, the Munroe Falls Dam, is slated to begin a
2 \$2 million project within the next few days to
3 accomplish these same environmental goals on a
4 five-mile section of the Middle Cuyahoga River.

5 Funding has also been obtained to
6 study the removal of the Route 82 Dam located in
7 the Cuyahoga Valley National Park, again, to
8 accomplish these same environmental goals.

9 The trend is unmistakable not only in
10 the Cuyahoga River Valley, but in the rivers all
11 across our nation. People now understand the
12 value of natural ecosystems such as wetlands and
13 free-flowing rivers. While we must recognize
14 that some dams do have value and provide us
15 substantial benefits, we must equally realize
16 the age of indiscriminately building and
17 maintaining our nation's dams must come to an
18 end. The benefits of maintaining a dam must be
19 weighed against the impairments that they
20 create.

21 Based on the success of our project,
22 I'm sure that many organizations in the City of
23 Kent oppose the issuance of any hydroelectric
24 production permit for any dam that does not meet
25 an adequate cost benefit analysis.

1 The city believes that the economic,
2 environmental and recreational benefits created
3 by the removal of the Ohio Edison Dam greatly
4 outweigh the minimal hydroelectric production
5 that might occur by producing -- or by issuing a
6 permit to the Metro Hydroelectric Company. At
7 the very least, retaining the Kent -- retaining
8 the dam will limit the migration of fish into
9 and through the City of Kent.

10 On behalf of the many interests of
11 the City of Kent, it is respectfully requested
12 that the Federal Energy Regulatory Commission
13 does not issue this permit due to the fact that
14 it would circumvent the trend to restore this
15 river back to its natural free-flowing state.
16 Thank you.

17 MR. BURNS: My name is David
18 Burns. I'm a lifelong resident. I actually
19 live one block up from the Gorge Park on Linden
20 Avenue there, where the proposed site would be.
21 And, boy, I told you after that meeting that I
22 spared you some wrath, but I didn't have
23 anything compared to this.

24 First off, I would like to say, sir,
25 thank you so much, and I feel so bad for your

1 life experience with the bureaucracy that goes
2 along with big business in this country. You
3 became an unfortunate victim of that all.

4 MR. KONNERT: I think it got
5 knocked off for some reason. Maybe a switch.

6 MR. BURNS: I think the
7 equipment is defective. Figures, that's what
8 happens when you wait for everyone else.

9 This morning I came nowhere near as
10 being as blunt as this individual was; and I
11 respect him for it, that candor to do so.

12 The issue really isn't about the
13 power plant. I have no special interest at
14 heart here. I have no affiliation with any of
15 these organizations that are trying to save the
16 river, remove the dam, any -- any relations at
17 all.

18 I came here this morning with an open
19 mind and my ears. And within the first hour of
20 hearing individuals speak, that you asked to let
21 the agencies speak first before, you know,
22 citizens came to the podium -- and that's the
23 other thing I'd like everyone in this room to
24 know. There's no presence this evening of any
25 representatives of government. And this

1 morning, at least a third of this room came up
2 to this podium and spoke on behalf of everyone
3 from the EPA of Ohio to the highest authority of
4 the Metropolitan Parks. They are at the top of
5 being outspoken to the tenth degree of this
6 whole proposal.

7 And the first question I had -- and
8 again, I know you're just doing your jobs and
9 it's the hierarchy above you, and I hope you
10 take all this back to them -- and I just know
11 you're doing your job, and I don't want to be
12 unfair to you, but the reality is, I ask myself,
13 why have the bureaucrats sent this panel here to
14 even give this merit or time to look at this
15 whole proposal of this power plant when --

16 I used the analogy this morning that
17 we raise our children to respect, you know,
18 government, respect their peers, their elders,
19 their law enforcement, rangers, of course, and
20 yet not only the rangers that were in this room
21 this morning, but the highest authority of the
22 Metropolitan Park was here today to speak out
23 adamantly opposed to this.

24 And this isn't the first knowledge
25 that this panel or their superiors had of the

1 Metropolitan Park's position on that. So my
2 first question to them today was, why are we
3 even here? And they heard all this from the
4 Ohio EPA and what a detriment it was to it and
5 the Metro officials and everyone else. And you
6 just sat here just in dismay about what a mess,
7 how could it be?

8 And you know, after that hour, I had
9 assessed what we're here for. There's no
10 intention to generate power down there. This
11 just comes down to one thing, and that's a
12 legacy liability that FirstEnergy's carrying
13 with that dam down there. And I think everyone
14 is tired of driving by the abandoned coal
15 facility that's on Howe Road. It's been
16 abandoned for 10, maybe 15 years.

17 And if that's your background, the
18 regulatory commission, I would surely think that
19 you're apprised of the status of that generating
20 plant. It isn't generating anything other than
21 a hell of an eyesore. And the fact that it's
22 been setting there, it's a toxic dump that
23 hasn't been cleaned up.

24 We've got the same company that had
25 the Bessie facility that nearly was a

1 catastrophe until it was caught -- and not by
2 their people -- and brought to the forefront
3 five years ago. It took three years to make the
4 repairs and apply for a permit to get the place
5 up and running again. Blatant disregard for the
6 public.

7 This isn't about a power plant and
8 generating power. This gentleman's absolutely
9 right. And I again feel so bad for you and your
10 experience as an investor and a victim in this.

11 But the reality is -- I implore
12 everyone to go home and e-mail your congressman,
13 your senator. The reality is this isn't going
14 to be taken care of at this level, and this is
15 an atrocity that these people are here -- again,
16 I know you're doing your job, but you're
17 representing that branch of government.

18 This is an atrocity that they are
19 even here today to hear this. So I want all of
20 you to know about the representation that was in
21 this room this morning that you're not
22 witnessing, that isn't here because they were
23 here at 9:30 a.m.

24 I brought this up this morning.
25 Isn't it just convenient how the meeting was

1 9:30 a.m., and 6:30 p.m. The working class
2 that's paying the bills, they're at work at 9:30
3 a.m. At 6:30, they're picking the kids up,
4 commuting from work, making dinner for the
5 family.

6 But this morning this room was
7 comprised of a third of those people that were
8 from those agencies, the other two-thirds were
9 senior citizens. And I'm glad they showed up,
10 and I'm glad all of you showed up. But we have
11 to go above all this, because unfortunately, the
12 reality is if this license is granted, this will
13 absolve FirstEnergy of any commitment to the
14 legacy liability for half a century. They won't
15 have to take that dam down for half a century.

16 We get a plate for our car, it's for
17 a year. We renew our driver's license every
18 four. But if they grant this license, it's 50
19 years. And all the efforts of the Crooked River
20 and all these other associations that are trying
21 to get this dam removed -- which would be a
22 blessing for this area. I heard some wonderful
23 people speaking this morning about the
24 whitewater kayaking. And what a boon to
25 commerce that that would be for this local area,

1 that if they could remove that dam -- that is in
2 the EPA's report from about five years ago.
3 It's one of the biggest detriments to the
4 Cuyahoga River.

5 And you all drive across it and you
6 can smell it. Go to other places on the river,
7 it doesn't smell. It's the stagnation that's
8 caused by that dam holding up that reservoir of
9 water. And if FirstEnergy would remove that
10 dam, it would improve the health of the river
11 immensely, it would bring whitewater rafting --
12 like the gentlemen this morning held up some
13 outdoor magazines and such, and, hey, look, they
14 do reports on cities that have this and this and
15 that. And he's absolutely correct.

16 It would be a compliment to the
17 gentleman that spoke of the hundreds of millions
18 of dollars that have been spent on the
19 improvements in the valley. It would be just
20 the icing on the cake to make it so that people
21 can come here and camp, they can whitewater
22 raft, they can do anything and everything. And
23 Lord knows, we need jobs for the area now.

24 I implore you to go home and to your
25 superiors, please convey that. And just say no.

1 This isn't a good thing on any level.

2 MR. BROOKS: Excuse me. I'd
3 like to -- is this on? If I could interject.

4 The reason that we're here -- and the
5 reason we're here is the Federal Power Act
6 charged the Federal Power Commission, now the
7 Federal Energy Commission, with analyzing
8 applications for license for hydroelectric
9 projects.

10 We have an application before us, and
11 Congress has determined that we are the entity
12 that has to look at that. So that's why we're
13 here. We have a properly filed PAD that was
14 submitted to FERC, and we are analyzing that.

15 We had two meetings today, one in the
16 morning, one in the evening. I think that
17 that's fairly accommodating for people's
18 schedules. And fortunately, both meetings were
19 well attended. So I think that -- you know, we
20 had a site visit yesterday, we had a study
21 workshop in the morning. So we've been here for
22 two days of meetings. That seems to be a
23 reasonable amount of time for everyone to
24 express their opinions.

25 And we appreciate your opinions, and

1 we certainly will take this back. And that does
2 go into our analysis of this application. Thank
3 you.

4 MS. FOOS: I'm Annabelle Foos.
5 I'm a staff member of the University of Akron,
6 and I'm also a resident of Cuyahoga Falls. I
7 have two points I'd like to make.

8 The first, I'd like the Committee to
9 consider the Gorge Metro Park, in addition to
10 being an aesthetic and a recreational resource,
11 it's also an educational resource. It is one of
12 the few areas in this -- in northeast Ohio where
13 we have bedrock exposed. And it's frequently
14 used by local universities and local schools for
15 field trips in both geology and environmental
16 studies, and also I've directed a number of
17 field investigations in the park. So it's an
18 educational resource which we would not want to
19 have impacted.

20 And then the second comment, I'd like
21 to ask a question. One of the things they cited
22 as a benefit of the project is that they were
23 going to be removing the pilot generator, which
24 is an eyesore in the region. And what I would
25 like -- someone could answer or address -- is I

1 want to know who built that pilot project, and
2 who is currently responsible for its maintenance
3 and its removal and cleanup?

4 MR. UNDERWOOD: Hello, my name is
5 Sean Underwood, I'm a resident of Akron. I've
6 been going to the Metro Parks for many years,
7 ever since I was a young kid. I really enjoy
8 the forest. I feel it's really important for at
9 least young boys to run around in the woods and
10 stuff, have a place to go.

11 My original place of -- growing up
12 and everything was Uniontown, Ohio, and it was
13 absolutely -- really disturbing to see how fast
14 it developed. We -- first off, I want to thank
15 all of you people for coming down. It's really
16 great to see you guys. There are maybe only
17 about 150 people in here. If there's about
18 20,000 people in Cuyahoga Falls, it's almost
19 kind of sad that more people couldn't show up
20 today.

21 My parents' property taxes got raised
22 so high because development became so big and
23 everything in Uniontown, they had to sell off
24 two acres of their property. Our neighbors, I
25 believe on both sides of us, also had to sell

1 some of their property. Then they built another
2 road and condominiums and more houses and more
3 houses.

4 I know a lot of issues -- it's kind
5 of an aside for the project, this thing going on
6 here, but people are always talking about the
7 deer and stuff, and there's too many deer, they
8 have to shoot the deer. Nobody ever talks about
9 there being -- you know, we're producing too
10 fast. I don't know -- and I'm not trying to get
11 anybody upset, but I think China, if you have
12 two kids, then you get fixed and you can't have
13 anymore kids. What we are -- we're
14 overpopulating very, very fast, and I think two
15 children is fair. I would hope to have children
16 myself some day.

17 But we're overpopulating so fast that
18 we're having to tear down more woods, more
19 parks. And it's really sad that they're
20 starting to move into the parks, too, and I
21 really hope we can keep these parks. And I
22 strongly object to this proposal.

23 I was a volunteer for the Metro
24 Parks, I put in plenty of hours doing multiple
25 things. Even if I'm not officially doing

1 volunteer work, I always pick up trash when I go
2 to the park. I go to the Gorge once a week, if
3 I pick up a bag of trash, when I go back the
4 next week, there's not no trash there, it looks
5 really nice.

6 One thing as far as energy. First of
7 all, you look at all the lights in here, we're
8 really wasting a lot of it right now. I think
9 each and every one of us, including myself, we
10 do waste a lot of energy. I recently seen a
11 show, two people went off the grid, they went to
12 a local hippie commune, I believe it was, or
13 something, and it was interesting to see how,
14 you know, solar energy has dropped tremendously
15 in price.

16 I know an average American can't
17 afford to up and just spend \$20,000 to get a
18 solar system set up, but I would like to see
19 more people go that route. Maybe build
20 windmills, stuff like that. I know it's hard to
21 get \$20,000 to do something like that, it's just
22 easier to pay an electric bill, but it's really
23 sad that we have to pay in all these large
24 corporations.

25 And, I don't know, I haven't really

1 spoken publicly in a couple years, so it's kind
2 of hard, but either way, I did do some volunteer
3 work out on the West Coast. I spent eight
4 months, I hiked from San Francisco to Washington
5 State, and I have locked myself in the trees.
6 They had these special things that locked us to
7 the trees.

8 I'm not for -- against people cutting
9 down trees, there's certain trees that grow
10 fast. But out there they give them one plot of
11 land to cut down. They will go out at 4:00 in
12 the morning and cut down the ancient growth
13 forest because it's money. If they get caught,
14 they might get a \$4,000 fine per tree; but if
15 they sell that tree, they get \$40,000. They're
16 cutting them all day long.

17 When I hiked all the way from San
18 Francisco to Washington, eight months it took
19 me, and when I was in Oregon, I was devastated.
20 There was nowhere to camp. I couldn't camp.
21 There was nothing but bald mountains and it was
22 really sad.

23 Like I said, I kind of -- I didn't
24 have time to prepare a speech. I just found out
25 about this yesterday, and I wish I could have

1 prepared a better speech, but I thank you all
2 for your time and that's it.

3 MS. ARNOLD: My name is Caroline
4 Arnold. I'm from Kent, Ohio, and I'm here on
5 behalf of the Kent Environmental Council. The
6 Kent Environmental Council is a nonprofit
7 volunteer citizen organization founded in 1970.
8 We strongly oppose the granting of a preliminary
9 permit for the proposed Metro Hydro Project at
10 the Ohio Edison Dam site.

11 KEC has a longstanding involvement
12 with the Cuyahoga River and it's riparian
13 systems. We were actively involved in the
14 modification of the historic Kent Dam that was
15 just completed this year to improve water
16 quality and fish habitat.

17 We believe that this project could
18 generate a minor amount of electricity in
19 Cuyahoga Falls and impact many of the
20 environmental advances made upstream on Ohio's
21 greatest river, and could adversely impact not
22 only the Summit County Metro Parks, but also one
23 of our region's great jewels, the Cuyahoga
24 Valley National Park.

25 KEC notes that under FERC

1 regulations, the granting of a preliminary
2 permit will prevent any modification of the dam
3 for 50 years. We believe this is an
4 unacceptable length of time not needed to
5 explore the hydropower possibilities of the
6 site. Fifty years of being unable to alter this
7 dam would effectively close off all possibility
8 of opportunities and for long-term improvements
9 to the Cuyahoga River, its ecosystems, economic
10 development and recreational resources, as well
11 as prevent the consideration of other energy
12 options at the site.

13 KEC urges FERC to deny a preliminary
14 permit to Metro Hydro. The cost of the Cuyahoga
15 River and its ecosystems and to present and
16 future human communities are unacceptably high.
17 Even worse, to take the management of this old
18 dam out of the hands of the people who live in
19 northeast Ohio, effectively disempowers them and
20 their children for more than a generation.

21 I want to also add as a little
22 footnote to this, that I feel that we ought to
23 offer the people in Cuyahoga Falls the same
24 opportunity that we in Kent had to restore our
25 river. I'll hand in my copy here. Thank you.

1 MS. CASANOVA: My name is Debbie
2 Casanova.

3 MR. KONNERT: Can I just
4 interject a little bit? I really do -- we love
5 these written comments, when you give them to
6 me, can you just note whether you want these to
7 go on the record, or just give them to the court
8 reporter to clarify what your comments were?
9 That would be great.

10 MS. ARNOLD: They can be on the
11 record.

12 MR. KONNERT: On the record,
13 okay.

14 MS. MATIAS: Mine are on the
15 record, too.

16 MR. KONNERT: Thank you. Sorry.

17 MS. CASANOVA: My name is Debbie
18 Casanova. I am a professional in the business
19 community, in the banking industry. As a
20 project manager, the first rule is that you must
21 build a business case for any project that you
22 deem necessary.

23 I have one question. Cuyahoga Falls
24 has households of over 20,000. This project
25 would supply electricity to possibly 2,000.

1 Where is the business case?

2 MR. MARKS: My name is Eric
3 Marks, and I just wanted to say that I would be
4 63 years old before this dam could be removed.

5 MR. WING: My name is Chris
6 Wing, resident of Kent, Ohio. I attend Kent
7 State University. I'm a recreational paddle
8 instructor. I had the honor of working with Bob
9 Brown, David Hill -- they spoke earlier -- and
10 several others on the Kent project dedication
11 ceremony on May 20th.

12 What I did was I organized
13 recreational paddlers to show face, basically,
14 and let people know how much -- how important
15 recreational paddling is. With the advent of
16 whitewater parks -- many of you don't know what
17 that is. It's actually a new concept. The
18 sport of whitewater paddling is one of the
19 world's fastest-growing outdoor sports, and they
20 are actually dedicating parks to this sport
21 alone.

22 And there's a huge amount of
23 commerce that's involved with this. Just some
24 of the whitewater parks that -- with a
25 reputation is Salida, Colorado; Reno, Nevada,

1 which is known for being a very urban area;
2 Ocoee Olympic course in Tennessee, and now even
3 Kent, Ohio.

4 I take people out and I teach them
5 how to kayak safely. For example, I'm going out
6 this weekend, I'm taking a group out this
7 weekend, and I'm taking them to Pennsylvania.
8 If we had that recreational opportunity here, we
9 could keep the commerce here in Ohio. And
10 that's what we need to do. And that's why I
11 oppose this project.

12 MR. LEWIS: My name is Robert
13 Lewis. I'm a Summit County taxpayer. I'm sure
14 most people in this room are from Summit County.
15 We pay our taxes to expand and protect our Metro
16 Parks, not to decrease and destroy them. Thank
17 you.

18 MS. BATHAY: My name is Erin
19 Bathay, and I live in Fairlawn, and I'm a
20 whitewater kayaker. And I learned to kayak on
21 the Cuyahoga River in Peninsula, and as soon as
22 I was good enough, because I was worried about
23 the pollution, I quit kayaking in Ohio. I don't
24 have the stickers that are required to boat in
25 Ohio because I don't boat here.

1 I look forward to an opportunity,
2 hopefully, to paddle the river and to leave less
3 often and to stay close to home and to bring my
4 paddling friends from Pennsylvania and West
5 Virginia here to Ohio so that they can hike with
6 me and bike with me and kayak with me. And come
7 to appreciate Ohio for what it has to offer and
8 spend their money here, too. Thank you.

9 MS. BRUSSO: Good evening. My
10 name is Lisa Brusso. I'm a local business
11 owner, and I have been a resident of Ohio for 14
12 years.

13 I came here tonight with an open mind
14 because I'm a firm believer in green power, but
15 I'm also a firm believer in rescuing our
16 environment. And after everything that I've
17 heard so far this evening, I'm very much opposed
18 to this project. I'm deeply committed to
19 generating sources of green power, and I'm
20 amazed that consideration isn't being given to
21 other better sources of green power such as wind
22 and solar power. And the technology is
23 available, it's affordable and certainly a much
24 better option. I support the taking down of
25 that dam, of all the dams, and restoring the

1 Cuyahoga River.

2 I was not a resident of
3 Cuyahoga -- of Ohio when the Cuyahoga River
4 caught fire, but I do remember it. Very
5 vividly. And I believe that the Cuyahoga
6 River's come a very long way in recovering since
7 that time. And I would like to see it further
8 recover and restored to the natural habitat that
9 it was.

10 I certainly value your time and your
11 consideration in this matter, and I hope that
12 you will oppose this as well as I -- since I do
13 as well. Thank you, I appreciate your time.

14 MS. THOMPSON: My name is Bev
15 Thompson, and I'm a 30-year plus resident of
16 Cuyahoga Falls. And I'm a grandma. And I hike
17 the Gorge, I would say, oh, a couple times every
18 month. I take my grandbabies. We have hiking
19 sticks. They truly look forward to that.

20 In Cuyahoga Falls, when we did all
21 the recreational renovation at Front Street, we
22 have had festivals and huge crowds. People
23 spend so much time at work, stressed out,
24 business. What we really need is more nature,
25 more recreational opportunities.

1 My grandbabies love it when we see a
2 deer when we're hiking or a rabbit or a turtle
3 or a frog, butterfly. I'm a hiker of that
4 trail, and I'd love to see that dam come down
5 and see that area preserved. Thank you.

6 MR. BENTON: Good evening. I'm
7 Dick Benton from stow, Ohio. I'm 80 years old,
8 I hope that in my remaining years I see that dam
9 come down.

10 Now, we talk about green power. A
11 native of Akron, Stan Ovshinsky, developed a
12 process where right now they have a machine that
13 turns out enough solar panels to generate 30
14 megawatts of electricity each year. And they're
15 not -- every year they turn out enough for 30
16 megawatts. They're sold out. They're shipping
17 this all over the world in places like northern
18 Germany where it has the same kind of climate as
19 here. They had to build a second machine.

20 Now, I don't see why we need to use
21 hydroelectric. I'm a member of the American
22 Rivers Association and read about all the
23 benefits of tearing out these old dams all up
24 and down the East Coast and establishing these
25 residential fish and mollusks and other

1 inhabitants of these streams which are really
2 benefitted, and it's benefitted the tourist
3 industry.

4 So what we could get out of the
5 hydroelectric power can easily be matched by the
6 solar power from Stanley Ovshinsky's machine.
7 So why are we doing this? Why are we putting
8 this thing in? That dam needs to go. We got
9 rid of the Kent dam, they bypassed it. They're
10 working on lowering the dam in Munroe Falls.
11 The main obstacle now to the free-flowing river
12 from the Rockwell Dam all the way to the lake is
13 this dam in the Gorge Park.

14 I've been hiking that, doing the
15 Metro Parks hikes for 25 years. That's my
16 favorite hike. I hate to see it spoiled. Thank
17 you for your time.

18 MR. ZINTEK: My name is Dana
19 Zintek. I'm just a resident of Cuyahoga Falls.
20 To quote the company's own terms, they said that
21 they were going to tear down that experimental
22 facility because they called it an eyesore in
23 their presentation. But yet, they're going to
24 lay down more pipe. Why is their pipe not an
25 eyesore? That's the question I have.

1 I'm just -- I'm just a simple, humble
2 man. My parents raised me, I think, very well,
3 and they did teach me that "dam" is a dirty
4 word.

5 MS. JOHNSON: Hi. I'm Lee
6 Johnson. I'm a citizen and an avid hiker, love
7 the Gorge Metropolitan Park. We should take
8 things away from this meeting with us. This
9 sheet right here, post it on the bulletin boards
10 at work. Post it on your church bulletin boards
11 and talk it up. Get what is being said here out
12 to your friends and out to your relatives.
13 Don't let it stop here. And write your
14 representatives. That's it.

15 MR. GREEN: Hi I'm Chris Green
16 from Akron, Ohio. Can everybody here me okay?

17 I wasn't here earlier today. I just
18 have a question. Was there a positive response
19 from anybody at this podium at all for this dam
20 whatsoever?

21 UNIDENTIFIED: No, no.

22 MR. GREEN: So my question is,
23 where -- I mean, if this is such a great thing,
24 where are your people to back this up? Why
25 isn't there one person coming up here and

1 stating anything whatsoever positive with the
2 exception of the person that wants to put the
3 dam in?

4 Please do not put this dam in there.
5 I urge you. The only reason that we bought our
6 house in Akron is because of the Metro Parks,
7 and now you want to spoil them with this.
8 Please, do not do this. Thank you.

9 MS. MATIAS: On that note, just
10 for the record, is there anybody in this room
11 right now who is --

12 MR. KONNERT: Can you please
13 state your name?

14 MS. MATIAS: Oh, all right.
15 Eileen Matias, once again from Akron.

16 Is there anybody in this room at this
17 moment who is in favor of this project who is
18 not on the panel? Okay. Anybody at all?
19 Anybody? Seriously. Anybody? Okay. Let the
20 record show --

21 MR. KONNERT: I just want to
22 clarify. No one on the panel is for or against
23 the project. Okay? I don't want people to
24 construe that we're for the project. We're here
25 to gather information about the project to

1 determine whether it gets a license or not. So
2 I just want to clarify that. That's fine.

3 MR. GREEN: I just want to
4 clarify as well, it was from the podium, I said,
5 not up there.

6 MR. KONNERT: Okay. That's fine.
7 Thank you.

8 MS. MATIAS: I apologize, I
9 misunderstood that. But is there anybody in
10 this room? Because I think we should let the
11 record show that nobody's raising their hand
12 right now to my question.

13 MR. HILL: Including
14 Mr. Sinclair.

15 MR. GREEN: And I believe this
16 is democracy the last time I looked, and
17 democracy says don't do it.

18 MR. BROOKS: Along those lines,
19 we also have a full written record. So anyone
20 who supports the project can file letters of
21 endorsement of the project as well as anyone who
22 opposes that. So if you don't make it tonight,
23 this isn't the only opportunity to state your
24 opinion. If you have a question, go up to the
25 podium, please.

1 MR. UNDERWOOD: This is Sean
2 Underwood again. I just had a quick question
3 about the lady that said pass this out at your
4 work. Is there any way that everybody in this
5 room could get a copy of tonight's meetings to
6 show people what was gone over, or something
7 like that?

8 MR. BROOKS: The transcript will
9 be on our website probably in a few weeks, and
10 we can give you that information on how to get
11 to the website if you don't know. I'm sure that
12 certain members here tonight know our website
13 fairly well now. Thank you.

14 MS. HICKEY: Hi, my name is
15 Jessica Hickey, I am a resident of Cuyahoga
16 Falls, and I'm a wetlands biologist for a local
17 firm.

18 I just have a question. I also write
19 EAs and EISs, and I would like to just make sure
20 that in the EA that would be written, the
21 cumulative effects are really taken a really
22 good look at. A lot of times -- because I'm in
23 the business, I know that those are kind of
24 skimmed over. And I would really like --
25 especially the wetlands as far as dewatering

1 goes, there's a lot of wetlands that are on the
2 floodplain, and a lot of that is extremely
3 important for the water quality issue.

4 And a lot of -- a lot of the
5 organizations are actually trying to build more
6 wetlands along the Cuyahoga River to kind of
7 filter a lot of the sedimentation and
8 agricultural use. So I just really wanted to
9 make sure that is covered in the cumulative
10 effects of the EA. Thank you.

11 MR. DUNCAN: Hi, my name is
12 Sterling Duncan. I've lived in Akron all my
13 life. I remember not only the fire from the
14 Cuyahoga River, but I also remember soot on the
15 cars, you know, in the morning when the rubber
16 shops left.

17 It's really a shame all that
18 industrial stuff is gone, but I've actually seen
19 Akron transform into a beautiful thing. And
20 right now, the Gorge is a place that I go. It's
21 my happy place. And I'm not an activist either,
22 I don't know none of the politics or none of
23 that stuff. When I read they were going to add
24 something to our river, man, something said go
25 and say no, you know.

1 If it will help anything, if my words
2 say anything -- I feel so passionately about it.
3 No. Don't do anything to the river. If it
4 ain't broke, don't fix it. You know, it's a
5 great river, it's where I go after a hard day
6 and I just relax, I walk, I think. I talk more
7 about that river than I do my girlfriend. So
8 don't do nothing to it. You know, I don't even
9 throw a cigarette in there. It's a beautiful
10 thing.

11 So if it means anything -- and you
12 know what? I got some homework to do, because I
13 didn't know none of this stuff that's going on,
14 all this political stuff. This means I've got
15 some homework to do, and it means I'm going to
16 do some more to stop this from happening,
17 because anything else I can do, I'm going to do
18 it. Thank you.

19 MS. FAIRWEATHER: I spoke earlier, my
20 name is Susan Fairweather. I'm a resident of
21 Cuyahoga Falls, I am a neighbor of Gorge Metro
22 Park and I am an employee of Metro Parks Serving
23 Summit County.

24 And after today's session, I went
25 back to my office to complete some tasks that

1 were yet to be completed in our ever busy days,
2 and I viewed -- the University of Akron recently
3 completed -- the Center For Policy Studies just
4 completed the results of the Summit County
5 Omnibus Poll 2005. And I would like to state
6 that the importance of managing and preserving
7 nature by the Metro Parks rates over 95 percent.
8 And I'll hold this up, and this will be
9 submitted for the record. This is what the
10 people of Summit County value.

11 Also brought to my attention was a
12 community survey done by Summit County, Ohio,
13 James McCarthy's office. And I would like to
14 point out a few of the results of that survey
15 that were also released this year, as far as I'm
16 aware. Is that correct?

17 Okay. How are we doing in Summit
18 County? The number one category is parks.
19 That's what we value here. Parks and open
20 space. The second note, county development
21 priorities.

22 By the way, this is a public record
23 and should be and will be made part of your
24 record.

25 Our county development priorities

1 voiced by the people of Summit County include
2 firstly control traffic congestion, but
3 secondly, preserve open space. I hold that up
4 so you all can see that. That's what all of you
5 say.

6 In your opinion, what were the most
7 important things? Preserving undeveloped areas,
8 preserving farmland and so forth. Preservation
9 of land is high ranking in this community.
10 That's what you said, all of us. We are all
11 residents of this community.

12 Important planning issues. And this
13 was a write-in opinion. The top rating was
14 economic development, as would be assumed to be
15 the top issue for our community. The second
16 issue is environmental issues. The second top
17 rating issue for this community is
18 environmental.

19 Important local issues, the top rated
20 issue is open space. I want everybody to see
21 this. And this is available at James McCarthy's
22 office.

23 Community likes and dislikes. Likes,
24 the top issue, natural areas and open spaces.

25 In the summary of important issues,

1 the top issue, preserve open space and natural
2 areas.

3 So if you're listening to the people
4 of this community, what the Metro Parks has to
5 say and all of those you heard this morning and
6 this evening should ring hard in your ears.
7 This project is not good for us, it's not good
8 for our community and it's not good for our
9 region. Pay attention to what we think and what
10 the experts are telling you.

11 MS. MARSH: My name is Elaine
12 Marsh, and I am conservation chair and cofounder
13 of Friends of the Crooked River, and I want to
14 say how happy the river is today.

15 You know, we have abused this river
16 for two centuries, and we have been working very
17 hard. We have many processes that have been in
18 place for 15 years. The Clean Water Act passed
19 in '72. It took time for us to come up to
20 speed, but by 1990, there were many
21 organizations who have been working very hard to
22 raise public awareness and to implement
23 improvements on our river and to preserve those
24 things that need to be preserved. Because, you
25 know, you can't just look at restoration, you

1 have to look at preservation as well.

2 And, you know, I'm just trying to
3 think that if the river were alive, I think it
4 would fall down dead with joy to know how much
5 support, how important -- how its importance is
6 being recognized by the community. And so
7 that's the first thing I want to say.

8 I really am so moved and so happy to
9 hear all of your support for the river. And
10 you'll be hearing from me. I'd love to see if
11 we couldn't all work together more on some other
12 issues.

13 But, so it occurred to me today,
14 while I was listening to all the testimony this
15 morning and all the testimony this evening,
16 that, you know, maybe the FERC process that's
17 set up was not set up for this particular
18 project.

19 I asked FERC at a meeting
20 yesterday -- and I must say, that I have found
21 all of the people with FERC do accommodate us
22 very well, and I really do appreciate that. I
23 think, you know, this is a difficult situation
24 for them. I think they've done well. They've
25 only given us information that we requested and

1 have been very helpful. So I do want to say
2 that.

3 But it seems to me that when you set
4 up your protocol, this situation was not taken
5 into account, number one. And -- so that's one
6 thing. And the other thing is there were many,
7 many, many complaints about the PAD and -- the
8 pre-application document. And I'd just kind of
9 like to suggest a few of those since people
10 weren't here today -- this morning to hear that.

11 You know, there were very simple
12 things that were not included. For example, we
13 heard testimony from the Summit County Soil and
14 Water Conservation District where they said they
15 thought this was an inappropriate project. But
16 the PAD said there was no drainage agency in
17 this county. So, I mean, that's a glaring
18 error.

19 There are other glaring errors, like
20 they didn't list correctly the cities that were
21 within -- the municipalities and communities
22 that were within 15 miles of the project. I
23 mean, that's a simple thing. And there were, in
24 my view, many very serious problems with the
25 PAD.

1 One is it failed to recognize the
2 intractable situation that their -- that the
3 project wants to put this project on a Metro
4 Park who has been the administrator of this
5 project for 80 years, and they oppose it. This
6 is a huge issue, a huge issue that was not
7 addressed. And there are many others. And the
8 letters will be coming to you that show this.

9 So my question is, what discretion
10 does FERC have in terms of accepting a PAD? Are
11 you required to accept it?

12 MR. KONNERT: Yeah. My
13 understanding is, yes, we are. It's a
14 preliminary application document, so it's more
15 of an introduction to their proposal.

16 MS. MARSH: Well, it's an
17 introduction to their proposal. But once again,
18 I don't think your process adequately looks at
19 the issues here. You know, so you set up all
20 these hoops that we have to jump through in
21 order to say what studies that have to be done,
22 when the major issues were not brought up in the
23 PAD. The applicant has not looked at this
24 intractable situation that happened here.

25 You know, I mean, for example,

1 they're very presumptuous. They say we'll put
2 up a viewing deck. We'll put up a public access
3 for the kayakers. Well, that public access is
4 not for them to give. They only can use this
5 land in that easement if that easement is valid.
6 And once again, I think that easement should be
7 looked into, and whether or not there are any
8 other encumbrances related to the dam, the use
9 of the water or the land that FirstEnergy may
10 have granted, given or sold in the interim
11 between 1929 and now.

12 So, back to this issue of the PAD.
13 We have this document which, in my view, is
14 entirely inadequate, and we have this situation
15 that your process really doesn't take into
16 account. And so I think that document needs to
17 be redone to examine these things, rather than
18 asking us to make the proposal for all these
19 studies that have to be done when the document
20 is inadequate.

21 I mean, you know, I am a volunteer,
22 and what you have asked me to do in the next 30
23 days, I'm going to not spend any time with my
24 family at all; and they don't see me now. So,
25 you know, I mean, let's really look at this

1 process related to logically, logically and
2 realistically, how it fits into this process.

3 You told me that you have
4 never -- and perhaps, you know, in your
5 recollection, you have never dealt with a
6 situation where an entity, through what we
7 consider to be a technical loophole, gained
8 access to this property against a public entity
9 who opposes it. You don't have that in your
10 history.

11 I think your protocol does not
12 adequately address what we need to do here. And
13 I think that that needs to be -- the first thing
14 that we need to do is to look at that.

15 You know, I mentioned this morning
16 that the Federal Power Act prohibited the
17 construction of a dam or a license in a national
18 park. I know this isn't a national park.
19 There's another part, I believe, that at some
20 time in the future, when the Power Act was
21 amended, they looked at the issue of eminent
22 domain. And they listed situations in which
23 eminent domain could not be granted. And one of
24 them, I believe, was it could not be granted if
25 the project was in a park. A local park. I

1 believe that it says a local park.

2 And again, I'm not an attorney, I'm
3 very new to this FERC process, but I believe
4 that's what it says. So once again, what we
5 have is an intention to preserve the natural and
6 cultural resources that are in the public
7 interest. And so I say send that document back
8 to these people, let's see how this fits in in a
9 reasonable way, because this is not reasonable.

10 It is not reasonable to be asking us,
11 to be asking the Metro Parks to be doing studies
12 of their land so that these people can take
13 advantage of it. It doesn't make sense. It
14 doesn't make legal sense, it doesn't make
15 environmental sense, it doesn't make -- it
16 doesn't make logical sense.

17 Okay. Now, so that's my request. My
18 request is, can't we start from the beginning,
19 having identified some issues that are not in
20 this document? Can't we do that? And can't we
21 tell them that they can't just use hyperbole?
22 You know, like this is going to reduce our
23 dependencies on foreign oil. That better be
24 metaphorical.

25 You know, so -- and make some

1 requirements. You have set a high hurdle for
2 us. I'm going to set one for you. This is
3 public land. The people don't want this. The
4 administrator -- and by the way, the
5 administrator is a park district, a 1545 park
6 district established by the Ohio Revised Code as
7 an official authorized political subdivision of
8 the State of Ohio. I don't think your process
9 gets its arms around this.

10 I think that the intention of the
11 Federal Power Act did not cover situations like
12 this. I think it's special, and I think it
13 needs to be negotiated. And I think it needs to
14 be looked at honestly and realistically before
15 we continue to go down this road and you -- you
16 know what? We only had three weeks to get
17 people out. You protract this over time,
18 imagine, imagine what you are going to need.
19 You are going to have to rent the Browns stadium
20 in the end by the end of 90 days. So just be
21 reasonable. Let's do the reasonable thing.
22 Let's find a way.

23 And I say the same thing to
24 FirstEnergy. You know, FirstEnergy has a
25 reputation in this community for being a good

1 corporate partner to community events, and I am
2 very disheartened, ashamed that they, when they
3 knew that their Metro Parks opposed this
4 project, that they signed over this lease
5 without even contacting the landowner. I am
6 ashamed, and I say, FirstEnergy, shame on you.

7 You know, there is still time,
8 FirstEnergy, for us all to sit down around the
9 table like good citizens. Our natural resources
10 should not be available to the person who wields
11 the sneakiest legal tricks.

12 Our natural resources should be
13 available to all the people, and all of us
14 should work together. So I invite FirstEnergy
15 to turn their back on this nonsense. I invite
16 FERC to re-look at this to see if there's not
17 something else we can do that takes into account
18 this situation. And I thank all the people who
19 came out to tell the Cuyahoga River, you know,
20 it's been a long time since you've burned, baby,
21 but you're still hot.

22 MR. KAMINSKI: Hello. My name is
23 John Kaminski, and I'm president of Friends of
24 the Crooked River, and I'm not going to address
25 any of the specifics of this proposal. I think

1 that has been done quite thoroughly through two
2 sessions today.

3 I do want to go on the public record
4 as being personally adamantly opposed to this
5 project. And I also want to address a couple
6 questions raised by members of the public, in
7 particular about getting more information about
8 this project, perhaps getting an electric copy
9 of the transcripts and things like that.

10 And our organization has a website,
11 cuyahogariver.net. If you received this
12 earlier, the website address is on here. And
13 I'll let our webmaster know to post on
14 that -- on our website links to pertinent FERC
15 documents. You can reach for yourself all the
16 documents relative to this, including at a later
17 date the transcripts of this. Am I correct in
18 saying that?

19 At a later date those will be
20 available also, if you want to read those
21 documents for yourself. And I want to thank
22 everyone for coming out tonight.

23 MS. GAGE: My name is Sylvia
24 Gage, and I'm an Akron resident, and I just want
25 to make some personal comments.

1 Number one, I've always enjoyed the
2 park system. I pay my taxes because I want to
3 be part of the park system, and we have a
4 wonderful park system. Gorge happens to be my
5 favorite hiking place. My professional job is
6 I'm a licensed practical nurse, and I just have
7 to say if you had a parent that was a fish or a
8 special plant that lived in the Gorge, if you
9 loved your parent or if you didn't love your
10 parent, you would still do everything to try to
11 save that parent and make their life better.
12 And I feel that the park is a life entity, and
13 we should all try to save that life entity.

14 MS. THOMPSON: I just want to ask
15 one more question.

16 MR. KONNERT: Okay.

17 MS. THOMPSON: Our company is
18 thinking about --

19 MR. KONNERT: Can you just state
20 your name?

21 MS. THOMPSON: My name is Bev
22 Thompson. I was wondering, anyways, we're
23 doing -- we're looking for a new site to
24 relocate, whatever, and build a new building.
25 And we have, like, a rendering, a drawing, and I

1 was wondering, is that available for -- we saw
2 that little kind of squiggle drawing, and then
3 we saw those little close-up things.

4 Do you have a rendering of the space
5 and what that plant would take up and what those
6 pipes would look like? Is there something that
7 we can look at to see what we're -- we would
8 actually be getting?

9 MR. KONNERT: In terms of my
10 comments for that, all that we have is what was
11 included in the preliminary application
12 document. And that was not included in the
13 preliminary application.

14 MS. THOMPSON: For me, to have
15 this kind of a meeting without something that
16 people can actually see is a little
17 disappointing, or it almost makes me feel that
18 somebody has something to hide. Thank you.

19 MS. NEWHALL: I'm Judy Newhall.
20 I'm an art educator for Stow Schools. I grew up
21 on North Hill. I love the Gorge. It has been
22 my favorite place to hike and to go and to
23 illustrate in children's books since I was a
24 child. I've taken my own children to the Gorge
25 often.

1 I'm really worrying that through
2 greed, we are committing a grievous sin. And in
3 a nation that no longer values our environment
4 or the impact that our country is having on the
5 environment, I hope God will help us, because
6 what we do through greed now will impact our
7 children long after we're gone from this place.

8 MR. PHILLIPS: My name is Michael
9 Phillips. I'm a park ranger with the Metro
10 Parks, but I'm here tonight speaking on my own
11 behalf as a resident, lifelong resident of
12 Summit County.

13 First off, in my duties at work
14 currently assigned at the Gorge Park, the public
15 comments I have received while out on the trails
16 have been in opposition to this project.

17 Secondly, the project is supposed to
18 use the current supports that are along that
19 side of the river. That side of the river, the
20 park district does not permit people to access
21 that without permit because of the dangers
22 involved with the steepness of the slope of the
23 hill and the erosion problems that are occurring
24 on that hill. There is erosion around those
25 supports, and my opinion of just observing those

1 supports, it will not be minimum restoration to
2 put them back into use.

3 Second -- thirdly, the items as far
4 as the environmental impact would have to be
5 somewhat severe with the endangered species that
6 are in that park that would be affected. Thank
7 you.

8 MR. KONNERT: Is there anyone
9 else that wishes to make a comment?

10 MR. BURNS: Sorry to hold you
11 up. I know you guys are probably hungry. That
12 was the issue earlier, wasn't it, that you guys
13 were hungry?

14 Dave Burns again, and I have a
15 question about the preliminary permit, PAD as
16 we're referring to it, I guess.

17 Would that be kind of like the same
18 thing as an application for a patent? If a
19 patent is pending, it's kind of got a protection
20 under it? In other words, the efforts of
21 everyone to have FirstEnergy remove the dam just
22 with an application, would that, in essence,
23 curtail any further actions, and then pending
24 your decision upon, you know, issuing the
25 license or not?

1 MR. SPENCER: You mentioned
2 preliminary permit and the PAD. Those are two
3 different things.

4 MR. BURNS: Oh, okay.

5 MR. SPENCER: There's been a
6 preliminary permit issued for the site to Metro
7 Hydroelectric Company, and that preliminary
8 permit does not permit anything. I used to
9 issue a lot of preliminary permits. It only
10 holds priority for hydro development on a site.
11 It doesn't preclude any other actions by the
12 owners of the site. It only holds priority with
13 us so that no one else could try and develop a
14 site for hydropower. Now, that's the
15 preliminary permit.

16 Separately, we have a process called
17 the integrated licensing procedure, and in this
18 case, the permittee, Metro Hydroelectric
19 Company, has decided to go with the integrated
20 licensing procedure; and one of the first steps
21 in that procedure is the PAD, the
22 pre-application document. And so that's a
23 clarification, they're two separate situations
24 there.

25 The permit has a 36-month term,

1 during which the permittee is supposed to study
2 and decide whether they want to go ahead with a
3 licensing proceeding. In this case, they've
4 already decided that they want to go ahead with
5 licensing, and have informed us that they wanted
6 to go ahead with the integrated licensing
7 procedure. And that's what they're a part of at
8 this point.

9 And the preliminary application
10 document -- I'm sorry -- yeah, I think that's
11 it. The PAD is the first document in that
12 procedure. But those are the -- that's the
13 separation of the two situations. Does that
14 give you clarification?

15 MR. BURNS: So in other words,
16 at this point, it would curtail any efforts to
17 remove the dam?

18 MR. SPENCER: No.

19 MR. BURNS: It would actually
20 protect FirstEnergy --

21 MR. SPENCER: No.

22 MR. BURNS: -- in those rights
23 to retain that?

24 MR. SPENCER: No. The
25 preliminary permit does not preclude anything

1 except for a competing hydropower development.

2 MR. BURNS: Okay. And then
3 again, at this morning's meetings there were
4 several specialists, an electrical engineer who
5 was independent, I think he may have been
6 retired, that came in to make comment as to
7 information from historical records that were
8 Edison's, in fact, that they actually abandoned
9 the hydroelectric.

10 There was a power generating plant
11 that was just east of the high-level bridge. In
12 other words, if you went down the river before
13 you got to the bridge from the dam, there was a
14 hydroelectric power plant down there. Even when
15 I was a child, the remnants of it was still
16 there. And then it decayed and fell into the
17 water and went on down.

18 The pipe was still left in existence
19 until around 1976, and at that point,
20 FirstEnergy, or Edison, I believe, made an
21 effort to remove the pipe. Aerial cranes
22 started taking it out, and we all thought that
23 the dam was going to come down. But that's been
24 three decades ago.

25 This individual -- contrary to the

1 estimates of their 2 megawatts of generation,
2 Edison's own records show that when they
3 constructed this facility, they soon after
4 realized it would not even supply Akron's needs
5 way back when. So they soon after started
6 erecting the coal burning facility that I
7 referred to that's an eyesore that's up on Howe
8 Road so that they could supplement the power for
9 Akron. They realized the hydro would not do it.
10 And then they abandoned the hydro plant in 1959,
11 I believe. Half a century ago that plant was
12 abandoned.

13 In other words, the dam has not been
14 used for half a century. It has done nothing
15 but stagnate the water upriver from that. So I
16 just want everyone, again, to hear what some of
17 the specialists that were here today and had
18 great information shared with everyone. I
19 really don't think it's about power generation.
20 Thanks.

21 MR. MACK: My name is Bill
22 Mack. I'm a biologist and I've studied the
23 Cuyahoga River from the mouth, since 1987, to
24 the headwaters, and I've seen great improvements
25 over these 20 years. And the biggest impairment

1 right now, looking for the source of impairment,
2 is the dam itself. And I hope to see the dam
3 removed and further improvements in water
4 quality and fish and invertebrate species come
5 back before I die, or before I retire.

6 So -- and I oppose the project, so --

7 MR. KONNERT: Does anybody else
8 wish to make an oral statement or comment?

9 Is that somebody coming up? Okay.

10 MS. BARNETT: My name is Faith
11 Barnett. My husband and I are 27-year residents
12 of Cuyahoga Falls. We moved here because of the
13 beauty of the city and the quietness. I grew up
14 in Cleveland. I was there when the river
15 burned. I was part of the original Earth Day.
16 I grew up learning to protect the environment.

17 It says in the Bible that we are the
18 caretakers. And every person in this room is
19 aware of that, I'm sure, whether they are
20 religious -- actively religious and involved or
21 not.

22 Correct me if I heard it wrong, but I
23 believe someone said from your panel that the
24 environmental studies were going to be done by
25 Advanced Hydro Solutions?

1 MR. KONNERT: Let me clarify that
2 again. They're going to be funded by the
3 applicant. In terms of who carries out the
4 studies, that's determined during our study plan
5 development, in which everyone here is welcome
6 to be involved. That's something that's done in
7 consultation with the agencies that are
8 considered experts in whatever resource is being
9 studied. But --

10 MS. BARNETT: Are you saying that
11 they will hire the company to do the studies?

12 MR. KONNERT: I can't give you
13 a -- I mean, we're talking hypotheticals here.

14 MS. BARNETT: I'm not sure what
15 you're saying here.

16 MR. KONNERT: Okay. What I'm
17 saying is I can't tell you exactly who is going
18 to carry out a study. There's not a blanket
19 answer for that.

20 MS. BARNETT: No. What I'm
21 asking is, is the company --

22 MR. KONNERT: It is not a
23 decision that -- let me clarify. It's not a
24 decision that is solely made by the applicant.
25 The applicant does not come to us and say this

1 person is going to do this study. There is
2 input from the resource agencies, the interested
3 parties that had a hand in the study plan
4 development, as well as the Commission. So I
5 hope that answers your question.

6 MS. BARNETT: Okay. Because
7 again, it sounds like there may be a conflict of
8 interest here, and like giving the fox the key
9 to the henhouse.

10 I am against this because, first of
11 all, every time I have to go down Howe Road or
12 Front Street, the stench from that area of that
13 plant that has been vacant as long as we've been
14 here is overwhelming during the summer. That
15 needs to go. Again, I agree with everyone else,
16 that plant is an eyesore, and it's just sitting
17 there rotting and creating a health hazard. And
18 these dams, again, with that pool behind the
19 dams that have been inactive, they need to be
20 cleaned up and removed.

21 I cannot drink Akron water because of
22 the bacteria content. I can only -- it seems
23 like I can only drink Cuyahoga Falls water. It
24 is one of the purest waters around. But those
25 pools behind the dams are creating a lot of

1 problems. It also helps to breed mosquitoes.
2 We need to get rid of it.

3 We also need to bring, as they were
4 saying before, more enviro companies, you know,
5 to -- tourism, enviro tourism to help bring
6 people into the economy to help build up the
7 economy and bring jobs to this area. That dam,
8 their proposal will not do that. It will be
9 contraindicated for that. And we need to get
10 rid of it. Thank you.

11 MR. BROOKS: You know, to
12 respond to the study question, what will happen
13 is after the study is performed, the FERC
14 experts will be reviewing that, as well as the
15 experts from the agency. So each of the studies
16 is examined thoroughly by outside interests. So
17 even though the applicant is paying for the
18 study and with input from the agency is
19 determining who will do that, it goes through a
20 long review process.

21 The second point I'd like to make is
22 what I said this morning, is that again, this
23 forum for this license does not address removal
24 of the Ohio Edison Dam. We license hydro
25 projects, and that's an existing dam which is

1 not under FERC's jurisdiction now. So we have
2 no authority or ability to say what happens with
3 removal of that existing dam.

4 So, you know, at this point, if the
5 goal of this -- of the participants in this
6 meeting tonight is for FERC to issue an order
7 saying remove the dam, it just can't happen.

8 MR. BURNS: No. But for the
9 record, again, as I said this morning, I said
10 that you hold the key to that. That if you
11 grant this license, that will permit FirstEnergy
12 to relinquish themselves from their legacy
13 liability of that dam removal. It will prevent
14 them from --

15 MR. BROOKS: Right, and I --

16 MR. BURNS: I'm just saying,
17 I'm not asking you to tear the dam down and give
18 out a permit, but you guys hold the future on
19 that dam for half a century right now with this
20 decision.

21 MR. BROOKS: That's fine. We
22 had this discussion this morning, and again,
23 FERC's only options are to deny the license or
24 issue the license.

25 MS. MATIAS: So deny the

1 license.

2 MR. BROOKS: Well, we certainly
3 can do that. Now we're getting information from
4 all sources here, and that's the purpose of the
5 scoping meeting. Any -- we need a full record
6 to make a decision. Okay? And we appreciate
7 everyone's comments, and that goes into the
8 record, and we'll examine that as we do our
9 process here.

10 But again, the -- we can't issue a
11 license and require the dam to be torn down, we
12 can't deny the license and say the dam will be
13 torn down. That's just not within the authority
14 of the Federal Energy Regulatory Commission.

15 MS. MATIAS: We just want you to
16 deny the license.

17 MR. BROOKS: That's fine, but
18 that's not what we're hearing here.

19 MR. KONNERT: No. I think we
20 just wanted to clarify -- I think we just wanted
21 to clarify that our determination is not -- we
22 can't issue a determination to take down the
23 dam. Okay? We can only issue a determination
24 to either issue a license or not issue a
25 license.

1 I know that some people understand
2 that and understand there is no relation between
3 us issuing a license and the ability of the dam
4 being torn down. But all we're clarifying here
5 is that in order -- all our determination will
6 do is either issue a license or not issue a
7 license. Okay. We just wanted to clarify that,
8 because we hear -- we've obviously heard a lot
9 of comments about taking down the dam, and we
10 want to make sure people come away from this
11 meeting understanding what our role is in this
12 process. Thank you.

13 MR. LEWIS: Robert Lewis. From
14 all you've heard here, all the negativity
15 against this project, what's the percentages of
16 you just going back saying they don't want it,
17 let's get rid of it? Don't do it?

18 MR. KONNERT: Well, I mean, this
19 meeting does hold a lot of weight. Obviously,
20 we're coming in here, the scoping -- the whole
21 purpose of the scoping meetings is to get
22 information that we didn't have from the
23 preliminary application document.

24 So like Elaine Marsh was saying, if
25 she feels like there's a lot of information that

1 was left out of that preliminary application
2 document, that's the purpose of us being here
3 today, gathering all the information we can.

4 Obviously, what Keith Brooks said
5 here, we can't make the determination until we
6 have the full record. That includes any studies
7 that are going to be needed to be done. Okay?
8 We have -- like I said in my introduction, we
9 have to -- it's a balancing act. Okay? What
10 you say here today does hold weight. We have to
11 look at a number of different sides of the
12 issues. Okay? So that's the best answer I can
13 give you.

14 MS. FAIRWEATHER: Just for the
15 record, Susan Fairweather, resident of Cuyahoga
16 Falls, again. To clarify, I think what you just
17 said is what we're hearing is you want us to
18 take down the dam. We are not saying that. I
19 think what we said this morning and we're
20 reiterating here is we would like that as a
21 baseline to look at the options that exist, the
22 other options that exist should this permit not
23 be approved.

24 Now, you want to look at the options
25 from the dam existing, period. And we're

1 saying, as a community, as professionals in the
2 industry, that not only do you want to look at
3 how it is right now, but the potential should
4 other actions be taken, not by you, but by the
5 EPA and other concerned agencies and citizens in
6 the federal government should that dam be
7 removed. It's a very real reality for us, and
8 it needs to be considered. That's what we're
9 saying.

10 MR. JOHNSON: Mike Johnson, Metro
11 Parks Serving Summit County. I would just like
12 to kind of add to what Susan said. Very early
13 on in this meeting today, Tim, you
14 mentioned -- you kind of went over the
15 alternatives that FERC was going to consider.

16 Metro Parks understands that FERC
17 cannot demand that the dam be torn down;
18 however, you can keep it up. If you grant this
19 license, you will pretty much stop cold a
20 decades-long movement to restore our river. And
21 we are asking that as part of your alternatives
22 analysis, you consider a scenario in which we
23 take down the dam, not FERC. Thank you.

24 MR. KONNERT: Does anybody have
25 any more comments they'd like to make? Okay.

1 MS. COMM: I hope I'm the
2 last.

3 MR. KONNERT: That's all right.

4 MS. COMM: Hi, I'm Julie Comm,
5 I'm a 21-year resident of Cuyahoga Falls, and
6 from this discussion, it is becoming
7 increasingly apparent to me, at least, that the
8 environmental cost of this project far outweighs
9 any benefit for a very small minority of people.

10 And what I want to know is, how and
11 when is the fate of this project going to be
12 determined? Who is going to ultimately make
13 this decision? And what can we do to stop it?
14 I just want to cut to the chase.

15 MR. KONNERT: Well, providing
16 comments like you're providing today. I would
17 say follow -- I know this is kind of an
18 intricate and drawn out process that we have in
19 terms of licensing, but I would try to stay in
20 tune in terms of what's happening. We have many
21 comment periods where you can kind of follow
22 along in terms of what's going on with studies
23 that are being done, comments on our studies.
24 Provide all the comments and try to stay
25 informed in terms of what's going on, and that

1 will help us in terms of knowing the full
2 record, in terms of getting your side of the
3 issues. That's the best I can tell you.

4 MS. COMM: I mean, can we
5 collect petitions? What can we do? I guess
6 I -- I feel like I need some direction, and I
7 realize that's difficult for you at this point
8 to give me, but we need to know how we need
9 to -- I mean --

10 UNIDENTIFIED: What do we need to
11 do to impress you? How many names do you want?
12 How many names do you want?

13 MS. COMM: I mean, if I go and
14 solicit thousands of signatures on petitions, is
15 that going to have any impact? Is that going to
16 make a difference?

17 MR. SPENCER: Let me just explain
18 to you that the FERC will make a licensing
19 decision, but it's not based on a number of
20 names or whether there's opposition or not.
21 It's based on the technical merits of the
22 project. And that's why we're here.

23 And the scoping meeting is to flush
24 out comments and issues to be considered in the
25 evaluation and analyzation of the project as

1 such. But it's not a matter of -- nor to my
2 knowledge have we ever acted on petition
3 opposition that way. It's on a factual basis
4 and a technical basis of the project and its
5 merits.

6 MS. COMM: I just have one
7 other question. Did you not say that about
8 1,000 households would benefit.

9 UNIDENTIFIED: Two thousand.

10 MS. COMM: Two thousand, I'm
11 sorry. Two thousand households compared to the
12 thousands and thousands of people using the
13 Metro Parks? I think it's pretty clear. Thank
14 you.

15 YOVICHIN: Susan Yovichin from
16 Clinton, Ohio. I just want to make sure that
17 FERC doesn't go away from this meeting with the
18 impression that we are a confused public, that
19 we don't know why we're here, that we have some
20 general environmental concerns but we're not
21 focused.

22 I think everyone here knows that we
23 are here in opposition to this project.
24 It -- to voice our opinion that we want this
25 application denied. So whatever other language

1 has been used, that is the bottom line, and I'm
2 sure that that's the bottom line for all of us.
3 That should be unequivocally understood that we
4 do know what we want and we don't want this
5 project.

6 And all of these -- all of these
7 testimonies, all of these issues are relevant.
8 And everyone -- even though FERC is not a
9 democratic body, that it makes an administrative
10 decision based on the technical merits of this
11 project, we are part of that picture. Our
12 public voice is part of this whole environmental
13 decision. Our well-being is something that the
14 government is called upon to protect and to
15 listen to us.

16 So I know that this is not a matter
17 for a vote, but what we have to say must be
18 heard. And you are -- I know you are required
19 to hear our voices, you're required to receive
20 our letters, our petitions and take those into
21 account in any decision-making. And so that
22 should be clear that whether this is not
23 something we vote on, we still can make our
24 voices heard and can speak in opposition to the
25 project. And that that's our -- that is our

1 ultimate concern here. That is what we're here
2 to say. We want them to deny the applicant's
3 application. Thank you.

4 MR. BROOKS: Just one legal
5 aspect of this is that we do an administrative
6 hearing, and there will be a notice at some
7 point in this process where we seek or we offer
8 people an opportunity to intervene in the
9 process. So -- it's after the application is
10 filed.

11 So what that means is at that point,
12 you know, we're looking at all your comments and
13 everything here and anything else that's sent
14 in, that goes into the record. But from a legal
15 perspective, you need an intervention to be able
16 to seek rehearing at the Commission level, and
17 then if necessary, go to the court of appeals.

18 So from a legal perspective, all your
19 comments, and as many letters as you have now is
20 fine, and then we will analyze the full record,
21 make, hopefully, an informed decision, and at
22 that point it then goes from less an
23 administrative hearing into more of a judicial
24 hearing where it goes to the Commission.

25 So if there's still concerns at that

1 point, then I would, you know, recommend that,
2 you know, those interested parties intervene in
3 the FERC proceeding.

4 MR. PROUY: Denny Prouy from
5 Akron. Those words are really disingenuous.
6 For five years you never even required an
7 Article IV of Universal Electric Power. Are you
8 aware of that? For five years you received
9 phone calls, over 100 phone calls and letters
10 and you never required an Article IV. Do you
11 know what an Article IV is at FERC? I didn't
12 think so.

13 And that's exactly the problem. It
14 requires the applicant to file paperwork every
15 six months as according to progress. And you
16 never filed an Article IV once. That tells me
17 it's fraud, it tells me that FirstEnergy has
18 gotten to you, and it's sick. It is sick,
19 because no matter how many people here are
20 against this, I can tell you how it's going to
21 go, and I think it's already in the bag.

22 MS. MARSH: Can I ask a process
23 about this intervention thing that you
24 mentioned? This is -- you know, we've gotten a
25 lot of confusing statements about when to file,

1 when it's good to file.

2 MR. KONNERT: Can I clarify?

3 MS. MARSH: Yes, please.

4 MR. KONNERT: Let me clarify on
5 these interventions. I know Elaine Marsh had
6 asked about when they can file interventions.
7 We -- I was correct, when Keith Brooks was
8 talking about us sending out a notice requesting
9 people if they want to file interventions to
10 file their interventions, that notice we issue
11 after the application is filed.

12 But what I've told Elaine is that if
13 people want/wish to file interventions early,
14 they -- it will be accepted. Okay. If you
15 wanted to file an intervention tomorrow, it will
16 be accepted. But what we try to do is encourage
17 participants to wait until we've gone through
18 the pre-filing process with the studies so that
19 all the information is on the table before you
20 file the intervention.

21 But we're not going to stop you. If
22 you decide to file an intervention tomorrow, it
23 will be accepted by the Commission.

24 MS. MARSH: Okay. And if we do
25 file to intervene -- I'm looking to save us some

1 time here. I mean, I heard about technical
2 merits. You know, if -- if all the benefits of
3 the project exist that we've heard about -- and
4 even though we believe they are highly
5 inflated -- but if all of -- if those are all of
6 the benefits, why are we wasting all of our
7 time? You know, the PAD, what it says is that
8 the socioeconomic impact of the project is
9 positive. And it says no economic -- oh, well,
10 does it need to be on?

11 MR. KONNERT: I think it's back
12 on.

13 MS. MARSH: Okay. It's back
14 on. Okay. And so -- I forget where I was.

15 Okay. Socioeconomic. The
16 socioeconomic information in the PAD says no
17 socioeconomic study is required. You know, but
18 let's look at the socioeconomics that this
19 process is going to cost. All of you, I'm sure,
20 are well paid, or adequately paid. All of these
21 people are adequately paid. You know, if we
22 wait nine years to say no, that's going to be
23 very expensive.

24 I'm looking for a way -- it seems to
25 me that any reasonable person would say this

1 should not go forward. They have not
2 demonstrated the amount of electricity that can
3 be generated. They haven't demonstrated that
4 they know the community. They haven't
5 demonstrated that they understand
6 socioeconomics. They haven't demonstrated that
7 they know anything about this community.

8 And so it seems to me, we need to
9 find another way, rather than wait for three
10 years to come up with some preliminary findings.
11 And so if we file to intervene and we request
12 that this process be stopped, is that something
13 we can do?

14 MR. BROOKS: You can file an
15 intervention at any time since the proceeding
16 began and the integrated licensing procedures
17 have begun. If you file a request to stop the
18 process, I mean, you certainly can file that,
19 but, again, the application -- or the
20 preliminary applicant document has been filed
21 properly, and we have to go through the motions.
22 We have to go through this process.

23 MS. MARSH: Well, has it been
24 filed properly? I mean, it says it produces
25 22.5 megawatts. It says 10 times the amount of

1 energy is produced. You know, I mean, that's a
2 huge problem. It was a huge problem to me when
3 I saw it. I couldn't believe it. I couldn't
4 believe that somebody said that this -- this
5 project on this river could produce that much.
6 So it hasn't been duly filed as far as I'm
7 concerned. I'm looking for a way to save us all
8 time.

9 UNIDENTIFIED: And money.

10 MS. MARSH: And money. And
11 blood pressure. I'm getting old. I can't take
12 this anymore.

13 MS. MATIAS: Where do we file
14 this intervention?

15 UNIDENTIFIED: How do we file?

16 MR. BROOKS: You would file it
17 with the secretary of the commission.

18 MS. THOMPSON: Is there a form?

19 MR. KONNERT: In terms of -- can
20 I just say, in terms of filing things with the
21 Commission, that information -- like I said, it
22 is in the scoping document that was outside. In
23 terms of how to file comments, that's similar to
24 how you file anything with the Commission. But
25 in case you didn't pick one of those up or if

1 you lose it, you go to our website at
2 www.ferc.gov, and there's information there on
3 how you would go about filing for the project.

4 What you do have to remember is the
5 docket number for this project, which is P, like
6 as in "Pete," "Peter," dash 12484. Okay? And
7 if you have any questions regarding that, you
8 can contact me, which you should have my
9 contact.

10 MS. MATIAS: 12484?

11 MR. KONNERT: 12484.

12 MS. MARSH: And I do want to
13 encourage people, there was a sign-up sheet,
14 people who are interested in working with us to
15 check that box, and we'll be in touch with you.
16 We'll be holding regular meetings. And also, we
17 will be in touch with you to see if
18 there's -- if there's any way out of this mess
19 that makes sense.

20 MS. FOOS: I'm a little less
21 antagonistic to FERC. Annabelle Foos. What I
22 want to know is, does your agency -- do you have
23 the power to say that this preliminary
24 application is unfeasible and we should not be
25 proceeding on -- you know, with the full

1 investigation? Is that something that you would
2 have the power to do?

3 MR. SPENCER: Not at this time.

4 MS. FOOS: When would be the
5 soonest you could do that, you would have that
6 authority?

7 MR. SPENCER: It would probably
8 be after the environmental assessment is done,
9 complete assessment is done of the situation.
10 And not with the -- that would be the licensing
11 decision.

12 MS. FOOS: So 20 -- 2009,
13 you're saying you can't do anything before that?

14 MR. SPENCER: No. There's no
15 date set.

16 MS. FOOS: It says here July
17 2009.

18 MR. KONNERT: Right.
19 That's -- we don't -- I mean, that date isn't
20 set in stone. Remember that. It could be
21 shorter than that. What we're doing is doing a
22 best estimate in terms of how long.

23 MS. FOOS: If I submitted a
24 handwritten application for a permit like this,
25 couldn't you just say that's not valid and toss

1 it out? You know --

2 UNIDENTIFIED: Write it on toilet
3 paper.

4 MS. FOOS: Yeah, I could write
5 it on toilet paper. You're saying that you have
6 to wait seven years before you could reject that
7 application?

8 MR. SPENCER: No. We'd have to
9 go through a due process and process the
10 application and make a decision on it.

11 MS. MARSH: Well, you know, our
12 agencies in the state of Ohio, when they get an
13 inadequate permit, they send it back to the
14 applicant. I have known of many cases like
15 that. They send it back to the applicant, they
16 say, "You have not adequately addressed the
17 issues that we need to know."

18 Why can't you send it back? Ohio EPA
19 does it routinely. Why can't you? I don't
20 understand. Respectfully. And it is
21 respectfully. Yeah, I'm asking. Why can't you?
22 Why can't you send it back?

23 MR. KONNERT: Because that -- the
24 integrated licensing process, the way it works,
25 is that we have to investigate the project.

1 After the preliminary application document is
2 filed, we have to go through these steps.
3 That's what our process requires us to do.

4 MS. MARSH: But it seems unfair
5 to the public. It seems unfair that you should
6 have to spend your time reviewing something that
7 shouldn't be reviewed.

8 MR. PROUY: You returned
9 them -- your own records. That's a lie. You've
10 returned applications that were inappropriately
11 made.

12 MR. KONNERT: Let me clarify.
13 This is a brand new process. This is only the
14 seventh project that's begun with this
15 integrated licensing process. This preliminary
16 application document is much different than an
17 application. Okay? They still have to file
18 their application.

19 The difference between this process
20 and the process that you're discussing is in
21 this process, we do a lot of this kind of effort
22 before the application is filed in terms of
23 studies being done, information, us coming out
24 here -- and we have many more meetings that
25 we're going to be having trying to gather

1 information before the application is filed.

2 Okay?

3 As opposed to the previous process,
4 which is still around and available, where the
5 first thing that happens, in terms of us being
6 involved, is the applicant filing an
7 application. And in that case, we do do an
8 evaluation and can send it back through
9 deficiencies. So I just want to clarify on
10 that.

11 MS. MARSH: Do your rules
12 include any exclusions? Are there any
13 exclusions in your rules that allow for
14 anything? I mean, it's got to be no matter what
15 if they -- if they -- if they file an
16 application, you have to go through all this
17 process?

18 Well, I don't want to take -- I don't
19 want to take any more time on this. This
20 obviously is going to take more discussion.

21 MR. BROOKS: The first -- the
22 next step will be the study plans. And at this
23 point, FERC will receive what studies are
24 necessary to evaluate this project. So this is
25 very preliminary. So how can we say

1 there's -- this is dead in the water without
2 some of these necessary studies? And that's
3 what the purpose of this workshop yesterday and
4 the study request was going to be.

5 So we will get studies that address
6 the issues of concern that were raised here and
7 were raised in other forums. And at that point,
8 you know, we'll proceed with the processing.
9 But again, if there's -- there's a dispute
10 resolution, if you don't like the study plan,
11 there's a whole series of steps. But again, you
12 know, there is this process, and you may not
13 agree with it and it may not be satisfactory to
14 you or others in this room, but again, you know,
15 what we have before us now is the opportunity to
16 add input into the studies that are necessary
17 for us to make a decision.

18 MS. MARSH: Well, we're having
19 an impractible argument here. It's circular.
20 So we'll look at it, you can look at it, but
21 there's got to be a better answer. There's got
22 to be a better answer, with the measly amount of
23 energy that we're talking about that's on a
24 public park, that the applicant has not
25 adequately identified either of the benefits or

1 the impacts. It seems to me there's got to be
2 something we can do. But at any rate, I thank
3 you for your time.

4 MR. PHILLIPS: Michael Phillips, I
5 had spoken earlier. I think all of us need
6 to -- obviously, all of us are in favor of the
7 permit being denied. This process sounds like
8 it's going to take a long time. We probably
9 have to fight this on more than just the front
10 with the FERC. We need to contact FirstEnergy
11 and bombard them with letters saying we do not
12 want this, we do not support companies that
13 support these ideas.

14 And also even the electrical company,
15 Metro Hydro, they need to get our letters, be
16 bombarded saying we're against this. Thank you.

17 MR. PROUY: Just one last word
18 for the crowd. Advanced Hydro's been smirking
19 all throughout this hearing we've had tonight
20 because they know it's a done deal. Yeah,
21 they've been smirking because they know they've
22 got the lawyers paid, the people that can make
23 this happen. I can tell you from having worked
24 with them before, this is how they deal with it.
25 It's already in the bag, and it's sad for the

1 community.

2 MR. UNDERWOOD: Again, Sean
3 Underwood. If this -- if this does happen, it
4 would be great to see people holding hands and
5 keeping these guys from breaking through. I've
6 seen people do a lot of different volunteer work
7 all over the world, set up teepees, whatever,
8 make things to where we can't let this thing
9 happen. I don't know. If it does. If it does.

10 MR. KONNERT: All right. If
11 there are no more comments, we're going call
12 this meeting to a close.

13 MR. KATKO: I have a comment.

14 MR. KONNERT: Okay.

15 MR. KATKO: My name is John
16 Katko. I'm president of Friends of Wetlands,
17 and it seems to me that the public benefits of
18 removing this dam so outweigh any possible
19 benefits from allowing this energy to be
20 produced here, that I -- I wonder, along with
21 Elaine and other people, why we're here.

22 And I'm wondering, does FERC have any
23 guidelines within which proposals have to fall
24 in order for them to be considered? And does
25 this proposal indeed fall within those

1 guidelines?

2 MR. KONNERT: Well, and to try to
3 answer that question, we don't have a point in
4 the process where we can return a PAD for being
5 deficient, but we do have requirements for the
6 PAD that they must fulfill. Okay? So we do
7 have -- so we don't have an opportunity to send
8 back the PAD, but we do have guidance in terms
9 of how it is supposed to be laid out and what
10 they're supposed to address.

11 In terms of the way the PAD is laid
12 out, it does address all of those guidances. It
13 might not address all of the issues that you
14 feel need to be addressed. Okay. And I think
15 that's what we're hearing today, is that you
16 feel a lot of the issues that should have been
17 addressed in the PAD weren't addressed. Okay.
18 But in terms of adhering to our guidance and
19 what they need to include in the PAD, they did
20 do that.

21 MR. KATKO: So do you have any
22 guidelines in assessing this permit about what
23 the, you know, the public benefits of removing
24 the dam will be as opposed to the benefits of
25 allowing this energy to be made? Are you just

1 simply saying, you know, anybody can come along
2 and make, you know, a couple of kilowatts of
3 energy and we don't need to worry about the
4 negative impacts of that?

5 MR. KONNERT: Well, I think one
6 of the main reasons we're here today, these
7 meetings today -- and this process, I know it's
8 arduous for everybody involved, especially those
9 that have been coming to every meeting and
10 sending in comment letters along the way, but
11 we're in it throughout the process as well.
12 Okay? So in terms of that, I mean, you're going
13 to have a lot of time -- a lot of opportunities
14 to provide comments on this -- I kind of lost
15 track of where I was going. Sorry.

16 MR. KATKO: Okay. Well, I
17 guess my next comment would be that when I look
18 at an issue like this and I see the people here,
19 I wonder why we're even here. And it just seems
20 very ridiculous. But I guess I look at who
21 we've placed into office and their relationship
22 to the energy industry, and that gives me some
23 inkling of why we may be here.

24 MR. KONNERT: All right. If
25 those are all the comments for this evening, I'd

1 like to thank you all for coming. We do
2 appreciate your comments. We'd like to have you
3 guys stay in tune with what's going on with the
4 project and provide comments appropriately.
5 Thank you very much.

6 (Thereupon, the proceedings were
7 concluded at 9:27 o'clock p.m.)

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