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BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION

- - - - -x  
In the Matter of: : Project Number  
Taum Sauk Pumped : No. P-2277  
Storage Project :  
- - - - -x

Scoping Meeting held at the offices of the  
Department of Conservation, Elm Street Conference  
Center, 1738 East Elm Street, in the City of  
Jefferson City, State of Missouri, on the 12th day  
of March, 2006, before Julie K. Kearns, RPR, CCR MO,  
and CSR IL.

1 APPEARANCES:

2

3 Thomas J. LoVullo

4 Senior Fisheries Biologist

5 FEDERAL ENERGY REGULATORY COMMISSION

6 888 First Street, N.E.

7 Washington, DC 20426

8

9 PANEL MEMBERS:

10 Mike Menne - VP of Environmental Health Safety,

11 AmerenUE

12 Peggy Harding - FERC, Chicago Director

13 Pete Yarrington - FERC Senior Fisheries

14 Biologist

15 Frank Calcagno - FERC Division of Dam Safety and

16 Inspections, Senior Engineer

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1                   MR. LoVULLO: Let's get started, please.  
2                   Good morning, everyone. Thanks for coming. My name  
3                   is T. J. LoVullo and I'm with FERC, Federal Energy  
4                   Regulatory Commission, in Washington, D.C. And  
5                   before I get started, I'd like to thank the Missouri  
6                   Department of Natural Resources for providing the  
7                   venue. It's a very nice facility for us here.

8                   And I'd like to introduce the people with  
9                   me today from FERC as well as -- well, Ameren is  
10                  also here and they're going to give a short  
11                  presentation. I'll go into agenda. I don't know if  
12                  you picked it up. There is extra copies over at the  
13                  front there. Just briefly I'll go over this, what's  
14                  kind of in store for us today.

15                 To my far right is Mike Menne, who is with  
16                 Ameren. He's the Vice President of Environmental  
17                 Health Safety. Peggy Harding, who's out of our  
18                 Chicago regional office -- the Commission has five  
19                 regional offices and one's in Chicago and Peggy is  
20                 the director of that office. Pete Yarrington is  
21                 Senior Fisheries Biologist from Washington, D.C.  
22                 Frank Calcagno is a Senior Engineer in our Division  
23                 of Dam Safety and Inspections, and Paul Rizzo, who  
24                 is a consultant for Ameren.

25                 Before I go into the agenda, we've gotten  
26

1 a number of calls concerning Part 12 versus  
2 relicensing and why this process is going under Part  
3 12. And so I'd like Peggy just to address that very  
4 briefly, then I'll talk a little bit about scoping  
5 and then the remainder of the agenda.

6 MS. HARDING: First of all, I'd like to  
7 thank you all for coming today. We appreciate the  
8 time you've taken from your busy schedules to come  
9 and talk with us and we'd like to encourage you to  
10 share any concerns or questions that you have with  
11 the proposed rebuilding of the upper reservoir.

12 As T. J. mentioned, my name is Peggy  
13 Harding. I'm the Regional Engineer for Dam Safety.  
14 I'm in the Midwest region out of Chicago and we will  
15 be part of the process as we go forward with the  
16 proposed rebuilding.

17 One of the things that we've seen so far,  
18 we've had a number of letters of correspondence from  
19 individuals concerned about why this is -- the  
20 rebuilding is being done under Part 12 versus as a  
21 relicense initiative. Our attorneys in our D.C.  
22 office have studied this at length and the short  
23 answer is that the dam breached and because it  
24 breached, we're going into a rebuilding and this  
25 falls under Part 12 or the dam safety portion of the  
26

1 regulations. So this in a nutshell is why it is  
2 being done under Part 12 of the regulations.

3 What I'd like to do is rather than take a  
4 lot of time and belabor the point, I'd like to  
5 assure every one of you that have sent letters in  
6 that you will get an individual response from the  
7 Commission addressing the individual concerns that  
8 you had on this matter. And with this I'd like to  
9 leave the topic and return it to T. J. and we can  
10 begin the meeting. Thank you.

11 MR. LoVULLO: I notice Andrea Shriver  
12 sitting and she's also -- I forgot to mention her  
13 earlier. She's with the Federal Energy Regulatory  
14 Commission in Washington and Andrea is an ecologist  
15 and she'll be working on the environmental document.  
16 And that's what brings us here today, the  
17 environmental document, the scoping process.

18 We're here to hear from the agencies, the  
19 resource agencies, and time permitting after that,  
20 some comments from the general public or from NGOs.  
21 Also, tonight there is a meeting in Lesterville,  
22 which is principally for the general public. And  
23 that's at seven o'clock this evening.

24 As you noticed, we have a court reporter  
25 and all comments will be recorded. The comments

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1 will be provided to the Commission and then we will  
2 put them online and they'll be available through the  
3 Commission's website. And at the end of today, I'll  
4 put up the address for sending in comments as well  
5 as for reading other comments that have been sent to  
6 the Commission.

7 As you came in, there was a sign-up sheet.  
8 And for the agencies, the first part of the meeting  
9 is going to be with the agencies, hearing their  
10 comments on a proposed rebuild, and then following  
11 that, if there's additional time, we will hear from  
12 the NGOs, nongovernmental organizations, and the  
13 general public and I will take them in order as  
14 they -- as you signed in. And then I'll divide up  
15 that time. If there's half hour left and there's 10  
16 people, three minutes or something along that line.

17 So to begin, any general questions on the  
18 process? I realize I'm setting myself up here and  
19 opening it up, but any general questions on the  
20 process for what's going to happen this morning?  
21 Great. All right. From the list, I can see --  
22 let's see, there's a number of -- of course, the DNR  
23 is here and MDC.

24 And the licensee has been in consultation  
25 with all of the state agencies during the  
26

1 development of their proposal and so there's been a  
2 lot of correspondence back and forth and perhaps  
3 you've seen that if you've gone into the  
4 Commission's website. You can read those comments  
5 that have gone back and forth and Ameren's response  
6 to some of the concerns expressed by the resource  
7 agencies.

8 So I'm seeing here a lot of -- when you're  
9 requesting to make a comment, that the agencies  
10 aren't -- is there an agency -- okay. Thank you.

11 DRU BUNTIN: Well, I think -- and I know  
12 we don't want to belabor this point, but I think  
13 it's kind of critical as to how the agencies are  
14 going to pursue this and that is we had already  
15 provided scoping comments on the relicensure  
16 process, so I'm trying to understand how -- what  
17 issues you're looking to be addressed in this NEPA  
18 proceeding versus what we have already submitted on  
19 relicensure. I'm Dru Buntin with the Department of  
20 Natural Resources.

21 MR. LoVULLO: When you give a comment or  
22 you speak, if you can give your name and your  
23 affiliation and if it's just general public, you can  
24 just say representing self. So the question was the  
25 difference in this NEPA process from the relicensing  
26

1       which is currently underway.

2                   And in this NEPA process, the document  
3       that we're putting together is looking solely at the  
4       rebuild proposal and the environmental effects  
5       associated with that, environmental being both  
6       biological as well as human, the socioeconomic, air  
7       pollution, land use, those types of issues. So the  
8       NEPA document we're looking at is very focused on  
9       the sole issue of the rebuild.

10                   And the comments today, too, that we  
11       receive, our request is to hear and to focus us in a  
12       direction and to help us look at how to best analyze  
13       those environmental concerns coming to the agencies  
14       and to the public so that we can hear what you have  
15       to say and direct us towards are you looking at this  
16       or are you looking at that, and again, in regard to  
17       the rebuild of the upper reservoir.

18                   Yes. I was remiss. Thanks, Pete. Before  
19       we get to the comments, if there are any, Mike  
20       Ameren (sic) is going to talk for a brief moment and  
21       then introduce Paul Rizzo with a slide presentation  
22       about the rebuild. Then, following that, we'll get  
23       into the comments. Excuse me, Mike Menne.

24                   MR. MENNE: Thank you, Mr. LoVullo. Good  
25       morning. My name is Mike Menne. I'm Vice President

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1 of Environmental Safety and Health for Ameren and on  
2 behalf of Ameren, I would like to thank the Federal  
3 Energy Regulatory Commission for holding this  
4 important meeting this morning with the agencies and  
5 stakeholders involved in the Taum Sauk rebuild  
6 project.

7 It's gratifying to see you all here today  
8 to offer your comments and thoughts on the potential  
9 environmental impact of the rebuild of the upper  
10 reservoir. The information that FERC gathers here  
11 today will be critical for how the agency decides  
12 what further analysis and study to move forward with  
13 to complete an environmental document on the  
14 rebuild.

15 Having said that, I'd like to introduce  
16 Mr. Paul C. Rizzo. Paul Rizzo is a three-degree  
17 graduate from Carnegie Mellon University, including  
18 his Doctorate in Civil Engineering. He's a  
19 Registered Professional Engineer in about 40 states  
20 including the state of Missouri. He's a specialist  
21 in large dams, especially dams in high seismic areas  
22 and constructed with roller compacted concrete or  
23 RCC dams. He founded Paul C. Rizzo Associates in  
24 1984, a firm that is internationally recognized for  
25 dam construction and dam safety expertise.

26

1                   Mr. Rizzo's firm is the engineer of record  
2                   and construction manager for the Saluda Dam  
3                   remediation project in South Carolina. This project  
4                   won the Outstanding Project and Leadership Award for  
5                   2005, which is kind of the profession's equivalent  
6                   of the Oscar for a civil engineering project. His  
7                   firm is currently working on dam projects in  
8                   Georgia, Texas, Peru, Iraq, Madagascar and Kenya and  
9                   has recently completed dam projects in Chile,  
10                  Macedonia, Romania and Venezuela.

11                  Rizzo & Associates have been working with  
12                  Ameren for more than a year. Their task has been  
13                  not only to evaluate our rebuild options, but to  
14                  help us understand what happened early on the  
15                  morning of December 14, 2005. Their guidance and  
16                  counsel has been invaluable to us over the past 18  
17                  months and we really look forward to working with  
18                  them in the future. I know you'll all be interested  
19                  in hearing Mr. Paul Rizzo's explanation of our  
20                  rebuild plans, so without any further introduction,  
21                  I turn it over to Paul Rizzo.

22                  PAUL RIZZO: Thank you, Mike. I'm going  
23                  to speak a little bit about the conditions of the  
24                  dam as it existed prior to December 14, just a few  
25                  slides on that, and then I'm going to discuss the

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1 rebuild concept. I'm going to focus on a number of  
2 details that are different from the two dams and  
3 some of the design criteria, such as earthquake  
4 criteria, that have been brought up in some of the  
5 correspondence with Ameren for the past couple of  
6 months.

7 There will be a lot of pictures, some work  
8 slides and for those who are familiar with a little  
9 bit about dam construction, I think you'll find it  
10 quite interesting and it is a fascinating process.  
11 It's a world class project in our profession because  
12 of its size and the type of dam that it is.

13 (Presentation by Mr. Rizzo held off the  
14 record.)

15 PAUL RIZZO: That is the last of my  
16 slides, I believe. Yes. Okay. Thank you for your  
17 time. We have lots of exhibits in the back that  
18 will amplify many of the things I said here today  
19 and I'll be back there to answer any questions.  
20 Thank you.

21 MR. MENNE: I guess as we get the lights  
22 back on, I just wanted to mention that in  
23 association with the rebuild, Ameren did prepare an  
24 environmental report. The report was sent to 18  
25 state and federal resource and regulatory agencies  
26

1 and Indian tribes and over a hundred citizens, park  
2 interests, environmental groups from federal, state,  
3 local political leaders who represent the Taum Sauk  
4 area.

5 We did receive some comments on the early  
6 drafts of this report by Department of Natural  
7 Resources and Department of Conservation. The  
8 comments that we received from them as well as the  
9 report and our responses to those comments was  
10 submitted to FERC on February 2 and all of that  
11 information has been available and is available on  
12 their electronic website.

13 Subsequent to the time that we submitted  
14 that report, we have received and continue to  
15 receive some comments from other interested parties  
16 that the report was sent to and, in addition, we  
17 discussed the report with representatives from the  
18 U.S. Army Corps of Engineers and the U.S. Fish and  
19 Wildlife Service.

20 It should be noted that -- I want to  
21 reemphasize what Mr. LoVullo said earlier, that the  
22 environmental report that we put together strictly  
23 covered the environmental impact of the rebuild of  
24 the upper reservoir. We did receive some comments  
25 that were outside that scope, however, Ameren  
26

1 intends to respond to all -- all questions and  
2 comments that we had in writing and prepare a  
3 summary of -- we will do that for -- to each of the  
4 individuals or organizations that sent us comments.  
5 We are then preparing a summary of all comments and  
6 our responses to them and that will be submitted to  
7 FERC in the near future. And with that, I'll turn  
8 it back over to Mr. LoVullo.

9 MR. LoVULLO: Thanks, Paul. That was very  
10 informative. Okay. Now I think I'm back on track  
11 in terms of the comments. We have a couple of  
12 question marks for people who -- with the DNR who  
13 had indicated that they may want to give comments.  
14 And I'll go to Mr. Childers. Do you want to present  
15 a comment? You had a question mark next to your  
16 name.

17 DOYLE CHILDERS: At this time I don't  
18 believe so. I think probably the comments that we  
19 made earlier through my staff would be appropriate.

20 MR. LoVULLO: Okay. Anyone else with the  
21 DNR? All right. Let me see.

22 MR. CALCAGNO: I didn't see any comments.  
23 Go ahead, but I didn't see any.

24 MR. LoVULLO: All right. I just want to  
25 make sure I get all the agencies first. That's EDU.

26

1 Okay. We'll go to the NGOs and the general public.

2 First up is Dave Malan.

3 DAVE MALAN: Oh, I didn't expect to be  
4 called on this early.

5 MR. LoVULLO: Likewise.

6 DAVE MALAN: I thought maybe I'd get five  
7 minutes at five minutes till 11.

8 MR. LoVULLO: We do have some time. And  
9 we have -- one moment, please.

10 DAVE MALAN: Sure.

11 MR. LoVULLO: -- three commenters.

12 DAVE MALAN: I'm sorry.

13 MR. LoVULLO: Three commenters. And if  
14 somebody would like to comment who didn't initially  
15 sign, you're certainly welcome to it. However --

16 DAVE MALAN: You mean three other  
17 nonagency commenters? Okay. But there are no  
18 agencies anymore.

19 MR. LoVULLO: Correct.

20 DAVE MALAN: No.

21 MR. LoVULLO: Okay. So given that --

22 DAVE MALAN: I'm glad I came to this  
23 meeting and didn't put all my marbles in the  
24 Lesterville basket. Okay.

25 MR. LoVULLO: I'm not going to -- no, no.

26

1 Stay. But I'm not going to divide up the remaining  
2 time. But feel free. Go ahead.

3 DAVE MALAN: Thank you. Well, first, I  
4 want to say that I appreciate the -- Mr. Rizzo gave  
5 me a few minutes before the meeting to discuss some  
6 very minor details and some of what I had submitted  
7 about 4:30 this morning when I left O'Fallon,  
8 Missouri, I sent an e-mail to a bunch of people. If  
9 anyone would like a copy of that, why see me and  
10 give me your e-mail address, I'll send it to you.

11 I'm a retired Missouri architect. I've --  
12 my name is David Malan, if anybody didn't hear that.  
13 I've also done a lot of -- I'm an outdoor  
14 enthusiast, primarily hiking and photography. Years  
15 ago I fell in love with the Taum Sauk Johnson's  
16 Shut-Ins area. Two and a half weeks before the  
17 breach, I was hiking down the ravine that became the  
18 so-called Scour Canyon where the water flooded into  
19 the state park. I told a friend that this was a  
20 great creek to hike along in hot, dry weather  
21 because the creek flowed all year round because it  
22 was fed by the leaks from the reservoir. That kind  
23 of becomes the basis of some of my concerns now.

24 Talking also to Pete Yarrington before the  
25 meeting, some of my comments were kind of something

26

1 new to him, so I guess I'll start with that. For  
2 about 40 years, everybody that went swimming in  
3 Johnson's Shut-Ins was profiting from the fact that  
4 every night water was being pumped to the uphill  
5 reservoir, some of it was leaking from the  
6 reservoir, as I say, even as late as two and a half  
7 weeks before the breach when I was in that area.  
8 That water entered the Black River above the  
9 Shut-Ins and thus raise the water level in the  
10 Shut-Ins.

11 So one of my concerns, it may be very  
12 remote, is that by the time the Shut-Ins gets all  
13 cleaned up and swimming is resumed and buildings are  
14 rebuilt and all that kind of stuff, that at some  
15 point somebody may say, "Oh, this isn't as much fun  
16 to swim here anymore. The rocks are bigger than  
17 they were before."

18 Well, that will mean -- what that will  
19 really mean is that the water level is lower and it  
20 will be lower -- now, of course, during heavy rains  
21 there will be plenty of water going through there,  
22 but in between those rains, the water level is going  
23 to be lower because it will not have the leakage  
24 that came from the old reservoir.

25 So at some point someone may think that,  
26

1 well, maybe we need to talk to Ameren to see if we  
2 can get some water released from the reservoir so  
3 that we can at least on summer weekends raise the  
4 water level in the Shut-Ins and thus bring the  
5 people back to the Shut-Ins who got used to swimming  
6 there for years and years.

7 So at that point Ameren would say, "Oh,  
8 well, gee, that's going to cost a lot of money.  
9 We've got to chop a hole through this new roller  
10 compacted concrete dam we've erected. You know,  
11 that's going to cost a lot of money. We're going to  
12 have to shut the plant down for weeks or months and  
13 it's going to cost a lot of money."

14 So I'm -- I don't know whether I'm urging  
15 this to Ameren, to FERC, to both, to the general  
16 public, whoever, to see if a little time can't be  
17 devoted to seeing what would you do if somebody  
18 wants some water later released from the reservoir  
19 so it will flow down through this canyon and into  
20 the Black River and make swimming as attractive as  
21 it was before. If that could be studied a little  
22 bit now, perhaps a -- some kind of a stub pipe could  
23 be placed through the wall at an appropriate point  
24 with all the appropriate shut-off valves and so on  
25 so that if the water later is desired to be  
26

1 released, it won't cost so much money and take so  
2 much time to make that happen.

3 The needs of the swimmers in the Shut-Ins  
4 might dovetail very closely with another group. A  
5 letter was posted on the FERC electronic library  
6 last April from a group of kayakers. I am not a  
7 kayaker, so I have no vested interest in this, just  
8 as an architect I try to look at the overall needs  
9 of everybody that's involved in a project.

10 Both the people who want to swim in the  
11 Shut-Ins and the kayakers, I think, would both be  
12 satisfied as a -- you know, if at least some water  
13 could be released for a couple of hours on Saturdays  
14 and Sundays of summer weekends. The kayakers are  
15 primarily younger people who are working or who are  
16 in school, so they're not your retired people, like  
17 me, who can go down there in the middle of the week.

18 Swimmers, of course, most of the swimmers  
19 are there on the weekend or at least there's so many  
20 you have to wait in line to get in sometimes, to get  
21 into the state park. So water could be released at  
22 noon on Saturdays and Sundays of summer weekends,  
23 could serve the needs of both the kayakers and the  
24 swimmers.

25 Now, the kayakers, though, however, who do  
26

1 pay fees to have water released from other  
2 hydroelectric plants in the country, none of which  
3 however seem to be pump storage plants, but from  
4 regular dams, they pay fees for using, you know, for  
5 being -- for having that water released. So they  
6 will not be surprised if they are asked to pay a fee  
7 for this, but that fee might not be enough to pay  
8 for the cost of constructing a course down through  
9 this canyon.

10 At that point, although this is something  
11 they may not be too enthused about, but it may help  
12 share -- just like they could share the cost of  
13 releasing the water with the state park, the  
14 swimmers, the cost of building their course could be  
15 shared with another group, perhaps people who go  
16 skateboarding.

17 As most of you know, every parking lot in  
18 America has a sign that says no skateboarding, so  
19 there are probably a lot of frustrated skateboarders  
20 who would be just thrilled that during the week when  
21 there's no water flowing down this canyon for the  
22 kayakers, if that course could be designed, that  
23 they could skate down that course. Usually they  
24 skate -- by the way, skateboarding started as an  
25 activity in empty swimming pools, I found out. The

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1 curvature of a swimming pool, skateboarders started  
2 coasting down one side and up the other side, and as  
3 you've seen Tony Hawk do these triple somersaults  
4 and land on his skateboard again, you know, just  
5 amazing. So perhaps the kayakers and the  
6 skateboarders could share the same course.

7 So -- and a few other things. So there  
8 may be a whole bunch of groups, a whole bunch of  
9 needs that could converge and eventually this could  
10 become a very attractive recreation area. Perhaps  
11 the area could even be used for skiing in the winter  
12 perhaps.

13 And at some point, if enough activity, a  
14 private entrepreneur may say, "Wow" -- and there's  
15 enough spectators who want to see these  
16 activities -- "I'm going to talk to the state parks  
17 about putting a ski lift maybe up one side of the  
18 canyon and down the other side." So there could be  
19 all kinds of -- this could become an attraction that  
20 might rival some of the other primary attractions in  
21 the state of Missouri. Those are all dreams, but I  
22 wanted to mention those.

23 In addition to releasing water -- and I  
24 think from what Mr. Rizzo explained to me, he's  
25 already got some things in the plans that would  
26

1 do -- which we could collect whatever leakage water  
2 does occur from or under or whatever, the new dam  
3 could be channeled to such a place and could be  
4 released down the canyon, even if it's only once a  
5 month, that could provide an additional scenic and  
6 recreational feature and could also flush out the  
7 pools that maybe get a little stagnant in between  
8 rains.

9 Okay. Is it appropriate to ask for  
10 questions or not?

11 MR. LoVULLO: No.

12 DAVE MALAN: Okay. Thank you very much.

13 MR. LoVULLO: You're welcome. Thank you,  
14 sir. Susan Flader.

15 SUSAN FLADER: My name is Susan Flader.  
16 I'm a past president and executive committee member  
17 of the Missouri Parks Association, which is a  
18 citizen organization concerned with protection,  
19 enhancement and interpretation of Missouri state  
20 parks and historic sites. We have about 2400  
21 members statewide.

22 And I suppose most of my comments have to  
23 do with things that will be deemed outside the  
24 footprint of the current structure. I'm also a  
25 historian in my other life. I teach history at the  
26

1 University of Missouri and have done some work on  
2 the history of this area and of the initial Taum  
3 Sauk power plant.

4 And our major concern is that by  
5 foreclosing discussion now of a broader array of  
6 issues, we are foreclosing discussion -- we are  
7 literally precluding a consideration of other  
8 alternatives. And we think that this is  
9 particularly unfortunate in view of the history of  
10 this project, which never had the kind of public  
11 hearings and oversight at the beginning back in the  
12 1960s that it should have had.

13 This project was built, it was completed  
14 and it was put into operation in 1963 without a  
15 federal license. There was a suit brought by the  
16 Federal Power Commission to challenge that and to  
17 argue that this project needed a federal license.  
18 It went to the U.S. Supreme Court and the U.S.  
19 Supreme Court agreed with the Federal Power  
20 Commission in 1965. Then the license was given and  
21 it was made retroactive to 1960.

22 Now we're in a situation where that  
23 license is about to expire on June 30, 2010 and if  
24 this reservoir is allowed to be rebuilt without  
25 considering the broader issues that are at stake in  
26

1       this area, especially with the extraordinary  
2       resources that are much more recognized today than  
3       they were back in the 1960s, the extraordinary  
4       resources of biodiversity and sheer wildness. This  
5       area has become an -- iconic for the best scenery,  
6       the best place to go in the Ozarks to appreciate  
7       wild Missouri. And we think that issues like that  
8       need to be considered and should legitimately be  
9       considered as part of the review process.

10               In addition, this project had a  
11       catastrophic failure in 2005. It also, by the way,  
12       had been an award-winning dam and it failed  
13       catastrophically. We know that it will not be  
14       constructed in the way that it was constructed back  
15       in the 1960s, but then we didn't know until recently  
16       the way that it was constructed back in the 1960s.  
17       When I did the research on this, I said -- because I  
18       found somewhere in the record that it was built of  
19       quarried rock, not rubble.

20               And we think that there needs to be  
21       consideration of the circumstances of this failure  
22       which could have resulted in the loss of hundreds of  
23       lives at almost any other time of the year. If it  
24       had happened on the weekend instead of on a Monday  
25       morning, on a very, very cold Monday morning in  
26

1 December, there would have been more loss of life.  
2 Anybody who was in that campground probably would  
3 not have gotten out alive.

4 And we think that that constitutes -- the  
5 approval by FERC of the rebuilding of the upper  
6 reservoir constitutes a major federal action that  
7 calls forth the need for a full, formal,  
8 environmental impact statement with adequate review  
9 and adequate comment by the public, not just down in  
10 Lesterville, but in major cities and around  
11 Missouri. We think that must be done. This is a  
12 major action and it requires that kind of a process  
13 with full public input and discussion.

14 I think it's particularly sad that we have  
15 not heard from any of the state agencies at this  
16 meeting today. I don't -- I asked whether DNR had  
17 submitted comments or whether they were going to  
18 submit comments and I was told they were not  
19 submitting comments. Now I learn this morning that  
20 they have submitted comments, which I haven't seen.

21 But we have submitted comments as a part  
22 of this process. They were not posted on the FERC  
23 website as of Friday when I checked. I don't know  
24 how long it takes for things like that to get up.  
25 It's been almost a month. And I could go through  
26

1       some of those -- some of those comments, some of our  
2       concerns, even within the rebuild, the footprint of  
3       the rebuild.

4               But our major concern is for the need for  
5       a full discussion of issues that go beyond the  
6       immediate rebuild of the upper reservoir and  
7       consider the larger array of issues that are at  
8       stake here. The environmental report did not even  
9       mention the St. Francois Mountains natural area or  
10      if it did, there might have been one fleeting  
11      mention, no discussion of the impact. That is the  
12      largest natural area in the state, more than 7,000  
13      acres.

14              And there is additional land that is owned  
15      by Ameren on Church Mountain that ought to be a part  
16      of that natural area that has been requested to be a  
17      part of that natural area. And the impact of  
18      construction alone will have an impact in that area.  
19      It may have an impact on the species of conservation  
20      concern, it will certainly have an impact on visitor  
21      use, unless visitor use continues to be barred from  
22      that area, as I understand it still is along the two  
23      trails, the Boy Scout Trail and the Taum Sauk Trail,  
24      that traversed that area.

25              I don't believe those trails are open yet

26

1       beyond Devil's Tollgate. And I don't know whether  
2       they will be open during the course of construction.  
3       If they are, there will certainly be a major impact.  
4       If they aren't, it will be even more of a major  
5       impact because public access will be barred from the  
6       area.

7                 We are particularly concerned about the  
8       overflow release structure releasing to Taum Sauk  
9       Creek. Taum Sauk Creek is a state outstanding  
10      resource water. It is not in the particular point  
11      on the creek that the release structure would  
12      release overflow to, but that is only because that  
13      is on Ameren's land and the state outstanding  
14      resource water designation was largely limited to  
15      publicly owned land.

16                But the quality of that stream and the  
17      importance of that riparian -- natural  
18      riparian stream side, which is very unique in the  
19      Ozarks -- most streams have been much more impacted  
20      by sediment over the centuries than that stream has  
21      been. The importance of that stream is such that it  
22      should not be put at jeopardy by this overflow  
23      release structure.

24                We believe that there needs to be study of  
25      an alternative to release the water so that it goes

26

1 directly into the East Fork Black River arm of the  
2 reservoir rather than the Taum Sauk Creek arm of the  
3 reservoir. And that might help also with the  
4 engineering for the water going into Johnson's  
5 Shut-Ins that was brought up by the previous  
6 speaker. So that doesn't mean that we want it to go  
7 down the original scour channel into Johnson's  
8 Shut-Ins State Park either, but it could -- there  
9 could certainly be consideration of releasing from  
10 somewhere on the southwest side of the reservoir.

11 We are very much concerned about water  
12 quality aspects of the construction process. When  
13 Ameren drained the reservoir some years ago to put  
14 in the lining in order to stop the leaks, this is in  
15 the early -- early in this current century, we  
16 understand that people who were monitoring along  
17 Taum Sauk Creek in East Fork Black River found  
18 continual and additional siltation that was  
19 resulting from just the relining of the reservoir.

20 So we think there needs to be particular  
21 attention to the problems of water quality and  
22 turbidity. Turbidity is very devastating to the  
23 sorts of creeks that these are and there needs to be  
24 particular attention to that problem and not just  
25 written off as, oh, well, that's the inevitable  
26

1 consequence of doing this kind of a construction  
2 project.

3 We're also concerned about water flow in  
4 the Black River, not only in the lower reservoir,  
5 but also below the lower reservoir and we share the  
6 concern about water in the Shut-Ins. If the dam  
7 weren't there at all, the upper reservoir weren't  
8 there at all, which of course would be far  
9 preferable, we would get along without the  
10 additional water in the Shut-Ins, but it might be a  
11 good idea to arrange some kind of a way to provide  
12 water in low flow periods.

13 We think that the environmental review  
14 needs to have up to 2005 data on water flow that was  
15 not present in the original environmental report.  
16 It stopped as of September 2002. I don't know why.  
17 Did you have a question about that?

18 MS. HARDING: No.

19 SUSAN FLADER: And although we heard what  
20 seemed like genuine assurances about the planning  
21 for eventual possibility of earthquakes in this area  
22 of the magnitude of the famed New Madrid  
23 earthquakes, we really think that there needs to be  
24 an independent panel, seismic panel, convened to  
25 deal with seismic safety standards.

26

1                   Our overriding concern of the Missouri  
2                   Parks Association in this matter really is that as a  
3                   condition of the rebuild, we think that Ameren ought  
4                   to be required to deed its property on Church  
5                   Mountain and in the Taum Sauk Creek valley to the  
6                   State for addition to state parks and the St.  
7                   Francois Mountains natural area in that vicinity.

8                   We think that it is unthinkable for Ameren  
9                   to go ahead with a second unit on Church Mountain as  
10                  they had proposed in 2001 and as we understand was  
11                  included in their report to the Missouri Public  
12                  Service Commission in 2005 just before the breach of  
13                  the upper reservoir. We don't know what the time  
14                  table of that plan is, but in any case, we think  
15                  that we should foreclose now the possibility of a  
16                  second unit on Church Mountain and that that ought  
17                  to be required as a condition of the rebuild.

18                  Your guidelines say that the past, present  
19                  and reasonably foreseeable future actions are topics  
20                  that may be discussed and the opportunities for  
21                  mitigation -- protection mitigation and enhancement  
22                  are legitimate concerns for this meeting and we  
23                  think that that Church Mountain reservoir that  
24                  Ameren has proposed is a reasonably foreseeable  
25                  future action and that it needs to be foreclosed at  
26

1           this time and that land deeded to the State of  
2           Missouri for management as part of the state park  
3           and natural area complex in that area.

4                       I thank you very much.

5                       MR. LoVULLO:  Lastly, that has signed up,  
6           is Dan, and I can't make out your last name.

7                       DAN SHERBURNE:  Sherburne.

8                       MR. LoVULLO:  Thank you.  Say it again for  
9           the court reporter.

10                      DAN SHERBURNE:  Dan Sherburne.  I'm  
11           Research Director for the Missouri Coalition for the  
12           Environment.  It looks like I have an hour and a  
13           quarter; is that right?  Perhaps not.

14                      MR. LoVULLO:  Fifteen minutes.

15                      DAN SHERBURNE:  I can probably do less  
16           than that.

17                      MR. LoVULLO:  And then if you need  
18           additional time -- let's go for 15 minutes --

19                      BECKY DENNEY:  Excuse me, but I did sign a  
20           list to speak, also.  I don't know where your list  
21           is, but --

22                      MR. LoVULLO:  Here.  So, okay, you can go  
23           next.  So about 15 minutes, please.  And then if we  
24           have additional time, we'll allow -- if people need  
25           to -- if they wish to leave, we will stay here for  
26

1 the whole allotted time. If people want to come  
2 back up and give additional comments, we will  
3 listen, the court reporter will take it, we'll get  
4 the opportunity for folks that if they want to  
5 leave, they can leave, but we'll start with 15  
6 minutes.

7 DAN SHERBURNE: Okay. Well, on a flight  
8 to New Orleans I took last week, which of course is  
9 the site of another kind of disaster, I looked out  
10 the window and lo and behold below me was Taum Sauk  
11 in all its glory. It was a truly splendid view.  
12 You could see all the features of the area and all  
13 the relationships of those features.

14 UNKNOWN SPEAKER: Excuse me, could you  
15 please speak a little louder? I can't quite make  
16 out what you're saying.

17 DAN SHERBURNE: Okay. I was just talking  
18 about a plane trip. But what you could see was the  
19 dry bowl of the upper reservoir with a hole blown  
20 out in its side. There was a scour carved down the  
21 hillside of Profitt Mountain, now a permanent scar  
22 on the landscape. That emptied into Johnson's  
23 Shut-Ins State Park where the deluge thrust a young  
24 family across the valley and nearly killed them. If  
25 at another time of year, as Professor Flader noted,

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1 people could have been killed there.

2 As it was it was mostly demolished and  
3 covered in sediment, boulders and rebar. Downstream  
4 from that is a lower reservoir which is still  
5 heavily loaded with sediment. Below that is the  
6 East Fork of the Black River where the water is a  
7 nasty green in the words of a local resident there.  
8 It's well over a year past the event. Not far below  
9 that was the town of Lesterville. Had the lower dam  
10 failed, it wouldn't have taken long for the waters  
11 to have flooded the town.

12 So in sort of zooming back from that view,  
13 you see the facility in its full setting -- of the  
14 park, of the town, the surrounding parkland and  
15 natural areas of the St. Francois Mountains --  
16 everything that it uses, depends on and affects in  
17 one way or another.

18 This is the context that is addressed in  
19 the licensing process. That process requires this  
20 kind of holistic view, including the environmental  
21 setting, economic and social impacts, competing or  
22 alternative uses and interests, the operational  
23 history of the facility and a projected need for and  
24 use of the energy produced. That view cannot be  
25 acquired without comprehensive data collection on  
26

1 all relevant factors, rigorous review and analysis  
2 of the data and input and comments from agencies and  
3 public on the data and analysis, as well as  
4 alternative uses of the resource. That's why it  
5 takes five years.

6 The issuance of a license is also an  
7 occasion for setting conditions on the facility in  
8 order to mitigate impacts and protect resources.  
9 That cannot occur in any effective manner without  
10 intimate knowledge of the affected environment and  
11 how the facility's operation could interact with it.  
12 This is why licensing involves a full-scale NEPA  
13 process that addresses the entire footprint of the  
14 operation, reviews the proposed project's potential  
15 impacts and examines alternatives to the proposed  
16 operation. It is a process that must not be  
17 short-circuited.

18 The relicensing process for the Taum Sauk  
19 plant started in early 2005 with public meetings to  
20 identify issues and concerns. Comments were raised  
21 on a number of issues concerning serious  
22 environmental and economic effects of the operation  
23 of the facility, principally on the East Fork of the  
24 Black River, on the aquatic and riparian habitat it  
25 supports and on the businesses and recreational  
26

1 users who rely upon it.

2 Much of that had to do with Ameren's  
3 practice of stopping flows from the lower reservoir  
4 into the East Fork, periodically drying it up, in  
5 order to rebuild capacity lost to leakage and  
6 evaporation. The Missouri Department of Natural  
7 Resources and Conservation Department shortly  
8 thereafter began significant data collection efforts  
9 in and around the East Fork to better understand the  
10 environmental impacts of that practice, which, by  
11 the way, was in violation of Ameren's license.

12 At the same time, Ameren was to produce a  
13 series of major studies on the full spectrum of  
14 issues relating to the current and proposed  
15 operation of the facility. These studies, which are  
16 an important component of its application for a new  
17 license, were going to be made available to  
18 stakeholders for review and comment in 2006. These  
19 studies have not been seen and, as far as I can  
20 tell, have not been done.

21 Once the reservoir collapsed, it appears  
22 that all that work stopped if, in fact, it ever  
23 started. While that's understandable given the  
24 immediate needs for a massive cleanup effort, it  
25 leaves the relicensing process in question. How is  
26

1 Ameren possibly going to meet the June 2008  
2 application deadline for which those studies are  
3 required? And how then will the entire process,  
4 which involves a full-scale NEPA review, be done by  
5 the time the current license expires in 2010?

6 Instead of addressing its licensing  
7 requirements and getting that process back on track,  
8 and instead of fulfilling its obligations to remove  
9 sediment from the lower reservoir and the East Fork  
10 and restore habitat in those areas, Ameren has  
11 chosen to put its efforts towards pushing for  
12 rebuilding the upper reservoir. That will have two  
13 major impacts.

14 First, it will mean that there will be two  
15 processes, rebuilding and relicensing, that will  
16 require the time and resources of state and federal  
17 agencies, as well as interested groups and citizens.  
18 Both processes will need to conform to NEPA  
19 requirements for input from and consultation with  
20 agencies over similar, but not fully overlapping  
21 issues. In other words, by working through  
22 rebuilding and relicensing separately, there will be  
23 a lot of duplication of effort and considerable  
24 waste of government time and resources.

25 The second impact is that the rebuilding  
26

1 process, coming first, will effectively preempt much  
2 of the analysis and many of the decisions that  
3 should be made in the broader context of  
4 relicensing. It would presume in advance what the  
5 relicensing is to establish, namely whether the  
6 license should, in fact, be reissued and, if so,  
7 what form the reservoir and its operation should  
8 take in context of the entire facility.

9 A rebuilt reservoir would create facts on  
10 the ground that would be impossible to ignore in  
11 relicensing, restricting data collection and  
12 analysis to the then existing options and precluding  
13 the discussion of alternatives beyond those options.  
14 And those facts would be created after much less  
15 vigorous environmental review before relicensing  
16 than they would receive during relicensing.

17 Mandatory conditions on the construction  
18 and operation of the reservoir that could have been  
19 imposed during relicensing would no longer be  
20 available to mitigate significant impacts. Not only  
21 would the rebuilding -- not only would rebuilding  
22 the upper reservoir further delay the relicensing  
23 process, it would render much of that process's  
24 purpose and ability to protect resources moot.

25 The Relicensing process should be brought  
26

1 back on track with Ameren's considerable resources  
2 focused on producing the needed and long-awaited  
3 studies in support of its application. Rebuilding  
4 the upper reservoir should be addressed in the  
5 relicensing so that the proposed plan and  
6 alternatives to it may be fully and publicly  
7 examined and the best option, in terms of the entire  
8 operation, ultimately chosen.

9 There is too much at stake to put hasty  
10 and possibly poor decisions on the ground while  
11 crippling the vital relicensing process. And we  
12 should not be subjecting state and federal agencies  
13 to the demands of two separate NEPA processes given  
14 the limited time and resources available to them.

15 The FERC scoping document invites input  
16 into the range of issues and scope of analysis to be  
17 covered in its environmental document. Returning to  
18 the view from the plane, we believe that any  
19 modification or repair of the facility that brings  
20 the entire system back into operation has to be  
21 addressed holistically.

22 Certainly once the upper reservoir is  
23 rebuilt, the plant will resume its consumption and  
24 generation of electricity. Its cumulative effects,  
25 then, must include the entire suite of  
26

1 environmental, economic and social impacts to which  
2 the people and resources of the area would once  
3 again be subject.

4 In this case, given the remaining and  
5 persistent damage to the East Fork, the scope would  
6 have to be expanded to include impacts on the  
7 restoration efforts themselves. We believe that an  
8 environmental impact statement would be necessary to  
9 address the full range of issues implicated in a  
10 rebuild and thus restart of this facility. We'll  
11 draw attention here to only a few of the issues we  
12 feel should be included in this analysis.

13 During the initial phase of the  
14 relicensing, there was testimony from local  
15 residents and others that flows from the local  
16 reservoir to the East Fork of the Black River were  
17 intermittently reduced and even shut down, to be  
18 resumed be in surges. Many of the consequences of  
19 this interrupted flow regime are obvious, structural  
20 damage to the stream, alterations of aquatic  
21 vegetation, loss of fish habitat and damage to local  
22 canoe outfitter businesses.

23 Ameren acknowledges it cannot maintain a  
24 continuous flow or run of river through the lower  
25 reservoir, but must withhold some of the water that  
26

1 enters the reservoir from the East Fork to maintain  
2 water levels in its system. And again, they wish to  
3 do so or have that option available to them during  
4 the rebuilding process itself. This practice is in  
5 violation of its license, however, and has had  
6 apparent effects on the river and its users. There  
7 needs to be a full assessment of these environmental  
8 and economic impacts.

9 Much of the local economy is based on  
10 tourism, including the thousands of visitors to  
11 Johnson's Shut-Ins as well as recreational users of  
12 the area's trails and rivers. With a shutdown of  
13 the Shut-Ins, restrictions on trail use and  
14 continuing damage to water quality in the East Fork,  
15 local resident -- local restaurants, motels and  
16 outfitters have suffered substantially from the loss  
17 of visitors. The long-term impacts to the local  
18 economy, particularly given the uncertainty of  
19 cleanup efforts in the lower reservoir in the East  
20 Fork, need to be addressed.

21 This facility, according to Ameren, uses  
22 about 35 percent more energy than it produces.  
23 While the price differential between energy used and  
24 produced allows Ameren to make a tidy profit on the  
25 spot market, the environmental cost of this net loss  
26

1 of energy, in terms of carbon emissions from the  
2 coal-fired power plants that feed Taum Sauk, needs  
3 to be determined and taken into account in terms of  
4 gauging the plant's real efficiency and impact.

5 The current operational and environmental  
6 baseline for Taum Sauk is not the functioning  
7 facility covered by its current license. Instead,  
8 it is a reservoir with a hole in it, another largely  
9 filled with sediment and no power generation. The  
10 current no action alternative includes not  
11 rebuilding and decommissioning the facility.

12 We believe that either the no action  
13 alternative or a new alternative should be -- should  
14 be pursued as well that will look at removal of the  
15 entire facility and restoration of the site. The  
16 analysis of this alternative should address the full  
17 range of its environmental and economic benefits.

18 We were quite surprised to see that the  
19 Scoping Document did not include public safety as  
20 one of the areas of concern. Certainly impacts to  
21 public safety should be addressed for both the  
22 rebuilding of the upper reservoir and the  
23 relicensing of the facility, particularly given  
24 Ameren's history at Taum Sauk.

25 The breach of the upper reservoir was not  
26

1 an act of God, but the outcome of multiple acts of  
2 management negligence. The consent agreement with  
3 FERC signed by Ameren alleged four violations of  
4 notification requirements, seven violations of sound  
5 and prudent operation requirements and four  
6 violations of its license. All of these were  
7 significant in themselves and contributed to the  
8 collapse. Together they reveal a long-standing  
9 pattern of putting corporate profits well above  
10 public well-being.

11 Until Ameren acknowledges this pattern of  
12 disregard for public safety, no one should accept on  
13 its face its claim that the reservoir will have a  
14 failsafe design. But more important, no one, not  
15 FERC, not the State, not the public, should accept  
16 the claim that Ameren, in its operations and  
17 management decision-making, can be entrusted with  
18 public safety.

19 Quite simply, Ameren should not be allowed  
20 to rebuild before establishing its commitment to the  
21 public interest in the relicensing process.

22 Instead, the full analysis of the facility that can  
23 only come with relicensing should be pursued before  
24 any additional construction takes place. Thank you.

25 MR. LoVULLO: Thank you. And now Becky

26

1 Denney.

2 BECKY DENNEY: When I signed in, I made it  
3 hard to read, so it was my fault that it couldn't be  
4 read. Yes, I'm Becky Denny. I represent the  
5 Missouri Sierra Club and we have commented in the  
6 past and our last comments to Ameren on the report  
7 that -- the environmental report that they sent out  
8 were pretty much what we -- you know, where we still  
9 stand on these things.

10 I did want to -- well, there are a couple  
11 of things that have -- you know, I've heard today or  
12 haven't heard, actually, because the big thing that  
13 I want to mention is that I'm really disappointed  
14 that we haven't heard or seen any comments by DNR.  
15 They -- I was quite impressed when that relicensing  
16 process started because there were some very  
17 interesting comments that they had sent out. That  
18 was, what, a year and a half or two years ago.

19 And I was impressed by those comments and  
20 very interested, but at this point we -- I haven't  
21 read anything or seen anything on the FERC site.  
22 And there were comments by MDC, so, you know, at  
23 least we know what some of the things that that  
24 state agency has worked on, but I would appreciate  
25 if those comments were made public at some point.

26

1                   And the other thing -- another thing, I do  
2                   want to thank, actually, the fact that in a lot of  
3                   cases some of these reports have been made public.  
4                   The Rizzo report was public and, in fact, I  
5                   appreciate the slides and the description of the  
6                   dam. I can understand why, if I were an engineer,  
7                   you know, I would be very interested in the project.

8                   I did have a question there and it's  
9                   simply maybe I have heard and just don't remember,  
10                  but the Saluda Dam, I was -- I will find this out  
11                  later, I'm sure, I don't know what the shape is, if  
12                  that's the same shape as the Taum Sauk reservoir, a  
13                  basin-type shape or if that's a dam, you know,  
14                  across a valley. But I will find that out. But I  
15                  can understand that it was a -- you know, an  
16                  important project.

17                  And another thing is that the reports that  
18                  you've heard today, the two environmentalist groups,  
19                  I agree essentially with, I think, everything that  
20                  they've said and even other -- the other comments  
21                  were talking about recreation and outdoors types of  
22                  things and how important, you know -- and how much  
23                  we do value this area and use it. And that also  
24                  goes on with the fact that this is a conservation  
25                  opportunity area, this whole project area is in that

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1 area, and it's considered high quality for Missouri  
2 and for our animals and plants and geology. Even  
3 though we don't have endangered species, we have  
4 things that we want to preserve and that have been  
5 preserved over a long period of time and this whole  
6 area can help with that.

7 The -- the other -- another thing is that  
8 the -- we're -- we believe the process is backwards  
9 because there should be relicensing, this should  
10 take a while. The normal flow of the East Fork  
11 should be -- should be studied, restored and  
12 studied, and the lake -- the lower reservoir needs  
13 to be restored in some way and we believe that that  
14 should, you know, take into consideration a great  
15 deal of habitat restoration.

16 As far as -- we have commented on and do  
17 believe that they are -- there should be the  
18 overflow of release structure and this should -- you  
19 know, this was -- has been a real -- this is where  
20 the real problem -- the seriousness may be the  
21 collapse of the dam could have been prevented and so  
22 there must be one, but on the other hand, we don't  
23 see a viable place for that because we don't think  
24 it should be flowing into the East Fork and we don't  
25 think it should be flowing into the Taum Sauk Creek.

26

1       So that -- we think that is a really serious  
2       problem.

3                 And again, we think the process is  
4       backwards and more study needs to be taken of the  
5       East Fork and more study of sediment problems. A  
6       very high quality environmental report needs to be  
7       done. We found that -- the ones that have been put  
8       out to be very lacking in a number of areas.

9                 And I guess the two things that are  
10       critical results of this process, which is not  
11       specifically the rebuild process, but the whole  
12       process in looking at the value of this area and  
13       things that we have in the past commented in our  
14       letters, one is that Church Mountain and Taum Sauk  
15       Creek should be deeded to the State of Missouri, you  
16       know, and owned by the State of Missouri because  
17       this is a high-quality -- part of a high-quality  
18       land and this will protect for the future citizens  
19       of Missouri Taum Sauk Mountain State Park and  
20       Johnson Shut-Ins State Park and that whole area  
21       which should be -- you know, that whole area should  
22       be -- has the status of a national park system and  
23       we own that, though it's not, you know, simply owned  
24       by the nation, but it's -- we're responsible for  
25       that as Missourians.

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1           And so that is, you know, a very important  
2           area to us and, in fact, I was standing and taking  
3           pictures from the -- from the reservoir for my  
4           parents and taking pictures of the valley about a  
5           month before that happened because they can't get  
6           there anymore. But -- you know, to that area at  
7           all.

8           But the -- and the last thing that I -- we  
9           want to mention, the Sierra Club, Missouri Sierra  
10          Club has stated that we believe that there should be  
11          a permanent trust fund set up for the Reynolds  
12          County schools. There were some funds from FERC  
13          that went to the County and they -- this was a good  
14          thing, but this was very inadequate for, you know,  
15          the kinds of problems that happened because of the  
16          collapse.

17          And we would -- as I say, we would repeat  
18          that we would like a permanent trust fund set up for  
19          the County schools. If they're -- you know, if this  
20          is part of a settlement from Ameren, that would --  
21          you know, we think that that would be appropriate.  
22          If there is some other way of setting this up,  
23          simply Ameren pay recompense in some way, then we  
24          think that is a very appropriate thing to support  
25          the area in this way and we believe that this is  
26

1 something that we should all be thinking of and to  
2 take care of our future citizens and to take care of  
3 this area. So thank you very much.

4 MR. LoVULLO: Is there anyone else who --

5 DRU BUNTIN: Got a question. Dru Buntin  
6 from the Department of Natural Resources. I think,  
7 to explain a little bit of the reticence of the  
8 state agencies to provide comments, there's an issue  
9 that needs to be addressed by FERC and that is we  
10 provided comments in March of 2005 prior to the  
11 breach when the relicensure process had already  
12 begun. Does FERC foresee the relicensure process  
13 being suspended during this -- this NEPA process  
14 that, as you've explained to us, is confined only to  
15 the rebuild or are these going to proceed on  
16 parallel tracks?

17 And certainly we have -- we have copies of  
18 the comments that we provided to FERC in March of  
19 2005 and we also can provide those that are  
20 interested with the copies of the comments that we  
21 provided on the environmental report. Certainly  
22 that was not intentional that those not be made  
23 public.

24 MR. LoVULLO: I'll address that comment.

25 First of all, we are nondecisional staff and when

26

1 the application came to rebuild the upper reservoir,  
2 relicensing was already underway. It has not been  
3 suspended. However, the purpose of this public  
4 meeting and the scoping with the public meeting this  
5 evening as well is to further gain insight and  
6 comments on the rebuilding aspect of the upper  
7 reservoir. So they are proceeding both parallel at  
8 this time. Not being the decisional person, perhaps  
9 that can change in the future, but right now they're  
10 proceeding on parallel tracks.

11 DRU BUNTIN: Because I might mention that  
12 many of the issues that were raised by the  
13 speaker -- speakers, such as recreational impacts,  
14 in-stream flow, you know, many of those issues were  
15 covered in our relicensing comments. So I think the  
16 fact that you're not hearing comments has a bit to  
17 do with the confusion over how these two tracks are  
18 going to proceed in conjunction with one another.  
19 What is the current status of the relicensure  
20 process or who do we need to address that question  
21 to, I guess?

22 MR. LoVULLO: Okay. The Commission is set  
23 up in the Office of Energy Projects. There's three  
24 divisions for hydro and then there's also the  
25 certificates for pipelines, which is a separate  
26

1 division. But in hydro, there's three divisions and  
2 we have licensing, post licensing and compliance, as  
3 well as dam safety. And in the division of  
4 licensing, that -- the relicensing of the Taum Sauk  
5 project is in that division and that's with Ann  
6 Miles. She's the director of that division.

7 Any other comments that someone would like  
8 to make concerning the rebuilding aspect?

9 KURT SCHAEFER: Kurt Schaefer with the  
10 Department of Natural Resources and I just want to  
11 make it clear, to follow up on what Dru was just  
12 saying, do we need to reincorporate the comments  
13 that we made on the relicensure into this proceeding  
14 in order to have those on the record?

15 MR. LoVULLO: If they're applicable, yes.  
16 Yes, you do.

17 KURT SCHAEFER: Then on the record I'm  
18 going to go ahead and request that and if we need to  
19 submit that in writing, we'll certainly do that as  
20 well. But again, I think this stems from the issue  
21 of a distinction that we're not quite sure of  
22 between the rebuilding and the relicensure. Thanks.

23 MR. LoVULLO: Whether you provided public  
24 comments or you have written comments, you can --  
25 and you wish to provide written comments, you can  
26

1 file those with the secretary of the commission and  
2 in the public notice as well as the scoping  
3 document, the address is there, but -- do you have  
4 that slide? In case you don't have it.

5 It's important to put the project number  
6 when you send in comments so that it is associated  
7 with the Taum Sauk project. All the public comments  
8 will be addressed in our environmental document and  
9 they will be -- the transcripts from today's meeting  
10 will be available online as soon as possible.

11 And to address, someone had mentioned that  
12 they filed comments about a month ago. I'm not sure  
13 what happened with those. If you have them with  
14 you, I can accept them and get them into the record  
15 as well. I will also look into it when I get back.  
16 Any last-minute comments?

17 DOYLE CHILDERS: I noted on your -- on the  
18 instructions here, it gave the number for this, but  
19 it gave it as a slightly different number. It was  
20 just FERC number 2277 rather than this, so if anyone  
21 give that, they might be copying it off this and  
22 it's not the same number.

23 MR. LoVULLO: Thank you. We are migrating  
24 to a new tracking system and they're going to be  
25 using five digits, so whether it's 02277 or 2277, it  
26

1 will still go in the same place, but thank you for  
2 pointing that out.

3 MS. HARDING: As far as getting data out  
4 of the library, they can use the --

5 MR. LoVULLO: I'm not sure. You want to  
6 say it?

7 MS. HARDING: As far as looking up  
8 comments on our e-library system, the coding under  
9 docket number, do not put the zero in there. It's  
10 case sensitive, capital P dash 2277, no zero.  
11 Otherwise you won't get the project. It's our  
12 e-library system, so all the filings made, anything  
13 that we've sent out, anything that Ameren's filed  
14 in, the comments, that will be how you do it. Now,  
15 he's asking for your comments coming in because of  
16 the new system, we'll get it correct, but anything  
17 on your e-library does not carry that zero and  
18 there's no space.

19 MR. LoVULLO: Peggy reminded me, too, on  
20 e-library, there was also a service from the  
21 Commission's web page which is FERC, F-E-R-C, dot  
22 G-O-V, pretty simple, but there's an opportunity to  
23 e-subscribe. And you may e-subscribe for any  
24 hydroelectric project that the Commission regulates,  
25 as well as the Taum Sauk project. And if you

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1 e-subscribe, you will receive everything that comes  
2 in to the Commission that is filed with the  
3 Commission and all of our correspondence back to the  
4 licensee.

5 And it's different from being on the  
6 mailing list. If you're on the mailing list, you  
7 will receive orders and notices only from the  
8 Commission. You won't receive any letters, you  
9 won't receive what is being filed with the  
10 Commission from the licensee.

11 But if you e-subscribe, every time  
12 something is filed under P-2277, you'll get a little  
13 pop-up in your e-mail saying something was filed or  
14 a letter went out from the Commission. So  
15 e-subscribing is probably -- if you want to stay in  
16 touch concerning this issue or the project, is a lot  
17 better than being on the mailing list.

18 DAVE MALAN: Does that mean that you then  
19 still have to go to the e-library website -- you're  
20 not e-mailing each of those people the documents,  
21 you're just telling them those documents have just  
22 been filed on e-library?

23 MR. LoVULLO: Correct.

24 DAVE MALAN: They then have to go to  
25 e-library to see them.

26

1                   MR. LoVULLO: Correct. And you can print  
2 it off of there as well. Okay. I want to thank  
3 everybody. Anyone else? Peggy.

4                   MS. HARDING: Before we close, I'd like to  
5 speak to the comment on public safety. I'd like you  
6 all to be aware that we are all very committed to  
7 the public safety of the project from the licensee,  
8 to the designers, to FERC. Everyone involved is  
9 very aware of the need to consider this very  
10 important aspect of the project.

11                   Although it was not specifically included  
12 in your list of topics, we encourage you, if you  
13 have any comments, send them in, they will be  
14 considered, but we all are very dedicated and aware  
15 of our responsibilities. Thank you.

16                   WARREN WITT: You had a thing on the  
17 agenda to talk about tonight's meeting.

18                   MR. LoVULLO: Thank you. We will be going  
19 from here to Lesterville where there will be a  
20 public meeting going on at the Lesterville High  
21 School from seven o'clock until 9 P.M. and, again,  
22 the same general forum in terms of a presentation by  
23 Mr. Rizzo and then accepting comments from the  
24 public as well. Thank you very much for coming.

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C E R T I F I C A T I O N

I, Julie K. Kearns, Certified Shorthand Reporter within and for the States of Missouri and Illinois, DO HEREBY CERTIFY that I was present at the proceedings on the date and at the place aforementioned and that the aforesaid proceedings were had as appears herein, and that this is a true and accurate record of said proceedings.

IN WITNESS WHEREOF, I have hereunto subscribed my name this the 16th day of March, 2007.

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Julie K. Kearns, CCR, CSR, RPR