

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

FEDERAL ENERGY REGULATORY COMMISSION

SCOPING MEETING FOR THE  
SALUDA HYDROELECTRIC PROJECT NO. 516-459

DATE: Wednesday, April 8, 2009

TIME: 9:10 a.m.

LOCATION: Saluda Shoals Park  
5605 Bush River Road  
Columbia, South Carolina

REPORTED BY: CYNTHIA FIRST, RPR, CRR, CCP

---

1           MR. CREAMER: I think we're going to go ahead  
2 and get started. We still have a few people, but we're  
3 past 9:00, so I'd like to first welcome everybody here  
4 to the Scoping Meeting for the Saluda Project. This is  
5 the first of two meetings. We will have a second  
6 meeting tonight at 6:00 p.m.

7           MR. EMERY: 6:30, I think it is.

8           MR. CREAMER: I think the Scoping Document had  
9 6:30, and I think the Notice said 6:00, so we'll be here  
10 at 6:00. We won't start right at 6:00. We had two  
11 different times.

12           The agenda for today: The first thing I'm  
13 going to do is I'm going to run through a little bit of  
14 an introduction of the staff that's here, FERC staff and  
15 then the contract staff. I'll talk a little bit about  
16 the purpose of why we're here. We're going to talk a  
17 little bit about what our anticipated schedule is for  
18 the environmental document.

19           Information needs: We typically, at this  
20 stage of the game, are trying to ask for any information  
21 we can get to help us do our environmental analysis, so  
22 we will talk a little bit about that. And then we will  
23 have Bill Argentieri talk a little bit about the project  
24 itself and give a little bit of an overview of the  
25 project.

1                   We'll talk a little bit about the proposed  
2 environmental measures, the scope of the cumulative  
3 effects that we've identified at this point, a little  
4 bit about resource issues. We'll open it up to the  
5 floor, and that's where you all will have a chance to  
6 provide any comments that you have. And at this point  
7 in time, I think at last count we had six or seven  
8 people that had signed up to comment. So we do have a  
9 little bit of flexibility on time, in terms of how much  
10 time we can allow people to talk. I think this meeting  
11 is scheduled for three hours, so we do have some  
12 flexibility with time at this point.

13                   And then we'll talk a little bit about at the  
14 very end, about addressing the filing of written  
15 comments. There really is two modes to do this. One is  
16 you can comment here today or you can provide written  
17 comments. We'll talk a little bit about that at the  
18 end.

19                   Ground rules: We just have a few ground  
20 rules. I would ask that everyone show respect for other  
21 participants when everybody is commenting. I've been to  
22 meetings where there has not been such respect and we've  
23 had to actually threaten to leave. I wouldn't want to  
24 do that. So we would ask that everybody have respect  
25 for everyone else when they are commenting. Adhere to

1 time limits. At this point, again, I don't think we're  
2 going to have an issue with that, but if we do indicate  
3 that we need to set up a time limit, we will.

4 If you have not signed in, we have a table out  
5 front. At some point I would ask that you do sign in so  
6 we have a record of everyone that's here. If you are  
7 planning to comment today, we would ask that you provide  
8 your name, clearly state your name. We have a court  
9 reporter here that is recording this whole thing, so we  
10 need to make sure that we have an accurate record for  
11 our transcript.

12 And if you have written comments today, you  
13 can certainly leave those written comments with us. We  
14 can see that they're entered into the record. And a lot  
15 of times we do leave those with the court reporter, as  
16 well.

17 Real briefly, introductions. We have -- there  
18 are two of us here from FERC today. Lee Emery, who's  
19 project coordinator. He's also a fisheries biologist.  
20 Myself, I'm Alan Creamer. I am from FERC. I'm a  
21 fisheries biologist and a senior technical expert in our  
22 branch.

23 Pat Weslowski with Louis Berger Group. Louis  
24 Berger is our contractor that is going to be helping us  
25 with the Environmental Assessment. Peter Foote, right

1 over there, he's a fisheries biologist with Louis  
2 Berger. Ken Hodge is sitting around here somewhere.  
3 He's actually at the registration table. He's a civil  
4 engineer with Louis Berger Group. John Hart, who is our  
5 technical person here today, he's with Louis Berger  
6 Group, and he's a hydrologist, I believe. Bernard Hay,  
7 sitting right there, is our soils person, geology  
8 person. How would you characterize your job?

9 MR. HAY: Geologist/sedimentation scientist.

10 MR. CREAMER: Leslie Pomaville is sitting out  
11 at the table, as well, recreation/land use. She is with  
12 Louis Berger, as well.

13 Okay. Purpose of Scoping. Three main things:  
14 NEPA, FERC regulations, and other applicable laws  
15 require an evaluation of environmental effects of  
16 licensing of hydropower projects. A hydropower project,  
17 it operates according to a license issued by FERC for a  
18 certain amount of time. When that license expires, an  
19 applicant is required to file for a new license. At  
20 that time we are required to take a new look and do an  
21 Environmental Assessment of that action, which is where  
22 we're at today.

23 Scoping is part of the NEPA process used to  
24 identify the issues and concerns. Input is solicited  
25 from agencies, Indian tribes, nongovernmental

1 organizations and the public. I know in this particular  
2 instance, there's been a lot of -- I have been to a  
3 meeting or two here several years ago, so I know this  
4 process has been going a long time. And this is kind of  
5 the next phase of where we're at.

6 We issued a Scoping Document March 12th, and I  
7 know that there were copies out on the table. If you  
8 didn't get one, there should be some out there, if you  
9 want to pick one up.

10 EA preparation schedule. Real briefly, you  
11 know, we're doing scoping this month. We anticipate  
12 issuing our ready for EA in July with the draft  
13 Environmental Assessment in January of next year and a  
14 final in April of next year.

15 I mentioned earlier information requests.  
16 Significant environmental issues that should be  
17 addressed in the EA. We'd like any information that  
18 people have with regards to what they believe are  
19 significant issues and any support for those issues,  
20 other studies in the project area, such as other  
21 Environmental Assessments that might have been done for  
22 another action, if there was another project licensed in  
23 the basin that could be applicable in some way to this  
24 particular project, information or data describing past  
25 and present conditions of the project area. That's very

1 important from the standpoint of describing the  
2 cumulative effects, because we are required to look at,  
3 as far as cumulative effects go, past actions and what  
4 has got us to where we're at today.

5 Resource plans and future proposals in the  
6 project area. That helps us to find a temporal scope so  
7 that we can take into account something that is five  
8 years down the road, you know, if there is plans to,  
9 say, a water withdrawal that somebody is looking at, and  
10 we need to take that into account from a water use  
11 standpoint. So resource plans are important, as well.

12 Comments can be given orally today or they can  
13 be written comments either today or they can be sent in  
14 to the secretary. I think at the very end of this we  
15 have information with the address that it can be sent  
16 to.

17 And I think at this point I'm going to shut up  
18 and I will hand this to Bill, and he's going to run  
19 through this project a little bit.

20 MR. ARGENTIERI: Thank you. Thank you, Alan.  
21 As he noted, my name is Bill Argentieri. I'm with South  
22 Carolina Electric and Gas, and I was asked to provide a  
23 brief description of the project and discuss the  
24 proposed measures presented in our final License  
25 Application. What I'm going to show you is a snapshot

1 of what was presented at the time the final License  
2 Application was filed with the Commission. Although all  
3 of the items referenced in this Scoping Document were  
4 presented in the final License Application, or in  
5 response to our Additional Information Request, they are  
6 all draft proposals. Some have already been modified or  
7 eliminated, and some are still being discussed through  
8 the consultation with the stakeholders involved with the  
9 relicensing process, which means some of the measures  
10 that I'm going to be talking about will most likely  
11 change or be added, or there will be some added to what  
12 is presented here.

13 We believe over the past several months we  
14 have made tremendous progress in the development of a  
15 Settlement Agreement and are working towards a  
16 resolution of the issues with many or all of the  
17 stakeholders. SCE&G plans to file our Comprehensive  
18 Settlement Agreement or our final proposals by July 31st  
19 of this year.

20 This is an overview of the project, some of  
21 the administrative things we're still taking care of.  
22 The Saluda Hydroelectric Project, the powerhouse and dam  
23 are located right here (indicating). Lake Murray is the  
24 reservoir created by the dam. And the project continues  
25 approximately 10 miles downstream on the lower Saluda

1 River here. The project ends just on the upstream side  
2 of the Columbia zoo. So this project encompasses or  
3 touches four counties: Richland, Lexington, Newberry  
4 and Saluda. This is a photograph of the project dam.  
5 The original dam is this area up here. This is the new  
6 backup dam that was constructed between 2002 and 2005.  
7 And this section is roller-compacted concrete. We have  
8 rock fill on both sides. These are the five intake  
9 towers. Here is your powerhouse. And there is a set of  
10 six spillway gates on the Lexington side of the dam.

11 Some statistics on the project itself. It's a  
12 single development, which to the FERC means there's just  
13 one project, one powerhouse, one hydro facility  
14 associated with this Project 516. It includes the  
15 Saluda River, Lake Murray. And Lake Murray is  
16 approximately 41 miles long and approximately 14 miles  
17 wide. The project is capable of generating  
18 207.3 megawatts as the installed capacity. We have 20  
19 public access sites owned by SCE&G. And currently this  
20 notes that there's -- that there is an 180 cfs minimum  
21 flow release. This is not in our current license. This  
22 is an agreement that the SCE&G has with DHEC. So  
23 there's -- like I say, there's nothing in our current  
24 license right now that requires a minimum flow, but we  
25 do provide that in support of the resources downstream.

1           Our proposed measures. There's about 22 or so  
2 of these. The first one's a change in the proposal of  
3 how we're planning on operating the reservoir. In our  
4 current license, we have a guide curve or a rule curve,  
5 I should say. In the new license here we're proposing  
6 to operate the project with a guide curve. Target  
7 elevation by March 1st of 358. The other elevation,  
8 356.5 is NAVD. That's the latest U.S. Geological Survey  
9 elevations, but I'm sure most of you are familiar with  
10 the 358, 360 plant datum elevation. So whenever I  
11 mention an elevation, I'll be talking plant datum.

12           We're proposing to have the reservoir at  
13 elevation 358 by March 1st and keep it there through  
14 September 1st. Gradual decrease from September 1st to  
15 December 1st, down to 356 plant datum, and then from  
16 December 1st to December 31, down to 354 plant datum.  
17 Then from January 1st to March 1st, increase the  
18 elevation from 354 up to 358 plant datum.

19           And I have basically a graph here. The dotted  
20 line is the current rule curve that we are operating or  
21 were to operate through our current license. You can  
22 see it went down to approximately 350 every year, and we  
23 had about one month at elevation 358, the month of May.  
24 So the new guide curve is trying to target the 358 to  
25 354 elevation and get to 358 earlier in the year, keep

1       it there for longer, and then take it back down only to  
2       the 354 elevation.

3               The next proposed measure, this has a little  
4       asterisk next to it, and that's because what was in our  
5       final License Application had minimum flows of something  
6       different than what I'm presenting here. As part of our  
7       response to an Additional Information Request, we  
8       identified that through continued consultation with the  
9       stakeholders, we were changing our proposal for minimum  
10      flows. And as you can see from here, our minimum flows  
11      are now -- what we're proposing are 700 cfs from  
12      January 1st through March 31st, 1,000 cfs minimum flow  
13      from April 1st to May 10th, with some additional striped  
14      bass flows. We're calling them striped bass flows  
15      because they were requested to help assist the striped  
16      bass population in the Congaree River. And the flows  
17      that we'll be providing in this April 1st to May 10th  
18      timeframe are going to be based on the USGS gage at the  
19      Broad River at Alston gage. And there's a formula that  
20      will determine how much we release from Saluda in order  
21      to provide the appropriate flows that the agencies and  
22      other stakeholders have requested.

23              Then from May 11th, actually, through  
24      May 31st, we'll go back to a 1,000 cfs minimum with no  
25      additional flows, as far as for striped bass population

1 support. And then from June 1st through December 31st,  
2 we're back at the 700 cfs minimum flow.

3 We do propose to have a Maintenance, Emergency  
4 and Low Inflow Protocol. We propose to install new  
5 runners and upgrade all five of our existing units at  
6 the powerhouse. One item was identified as holding  
7 annual meetings for water quality enhancement efforts,  
8 continue our macroinvertebrate sampling on lower Saluda  
9 River, implement a freshwater mussel restoration  
10 program, provide a -- look at operating Unit 5 in a  
11 different mode than what we have done in the past and  
12 during our current license. In other words, right now  
13 we operate it for last on, first off, and we're looking  
14 at the possibility of operating it first on, last off.  
15 Continue to participate in the Santee River Basin Accord  
16 for Diadromous Fish Protection, Restoration and  
17 Enhancement. That's something we worked with the  
18 agencies on just recently. And actually that accord was  
19 finalized in April of last year. Implement a long-term  
20 management program with National Marine Fisheries for  
21 shortnose and Atlantic sturgeon. Implement an adaptive  
22 management strategy for trout on the lower Saluda River.  
23 Develop a fish enhancement program to address  
24 entrainment and turbine mortality. Implement a rocky  
25 shoals spider lily enhancement program and formalize our

1 bald eagle management program.

2 Finalize a memorandum of understanding with  
3 the DNR on aquatic plant management -- I guess with the  
4 Aquatic Plant Management Council. Implement proposed  
5 minimum flows that could benefit Congaree National Park.  
6 Implement a rare, threatened and endangered species  
7 awareness program, and also implement a wood stork  
8 management program. Implement a final Historic  
9 Properties Management Program. Review archeologically  
10 sensitive areas. Implement a recreation plan. As part  
11 of that recreation plan, implement facilities and  
12 barrier-free access at several of our recreation sites.  
13 And develop recreation facilities at several of the  
14 other -- of our access sites.

15 Set aside project lands for future recreation  
16 use. Provide recreational flow releases. This would be  
17 in addition to the minimum flows that I talked about on  
18 item 2. Install additional warning sirens and strobes  
19 along the lower Saluda River. And implement a new  
20 Shoreline Management Plan with changes to our land use  
21 classifications. Basically, we've removed, as you can  
22 see, over 9,000 acres -- well, over 9,000 acres and  
23 185 miles of shoreline are all part of the land use  
24 classification, but we've taken a lot of acres and miles  
25 of shoreline out of our future development category and

1 placed them in some type of a protective category around  
2 the lake and on the lower Saluda River. And modify  
3 existing -- this is modify the existing Shoreline  
4 Management Plan, and also revise the shoreline  
5 permitting program requirements.

6 So basically that's the list of items that  
7 were identified in our final License Application and our  
8 Additional Information Request as part of Project 516.

9 And at this time I'm going to turn it over to  
10 Pat Weslowski with Louis Berger.

11 MS. WESLOWSKI: Thank you very much. Okay.  
12 The next several slides will cover the potential effects  
13 that we have identified thus far to the review of the  
14 application and the additional information responses  
15 that have been filed by South Carolina --

16 THE AUDIENCE: We can't hear you.

17 MS. WESLOWSKI: I'll speak up. Under the  
18 Scope of Cumulative Effects, we are looking at water  
19 resources, water quality and water quantity, fisheries  
20 and terrestrial resources as those areas that have the  
21 potential to have cumulative effects, those being  
22 effects that are beyond the specific project, either  
23 upstream or downstream. The geographic scope that we  
24 have in mind for addressing these effects extends from  
25 upstream the Saluda from Lake Greenwood, downstream

1 through the project to the confluence with the Congaree  
2 River. And for fisheries resources, we would extend  
3 that scope of analysis, geographic scope, to the  
4 Atlantic Ocean.

5 The timeframe for past, present and future,  
6 foreseeably future actions, is 30 to 50 years.

7 The resource areas that we intend to include  
8 in the Environmental Assessment include aquatics --  
9 aquatics encompasses water quality, water quantity, and  
10 fisheries -- terrestrial resources, wildlife, plants,  
11 threatened and endangered species, including both fish  
12 and wildlife and plants; recreation, land use and  
13 aesthetics; cultural resources, which include  
14 archeological sites and historic properties; and  
15 socioeconomics.

16 In terms of the potential effects of the  
17 various measures that Bill has just summarized on  
18 resources, we have identified the following: Proposed  
19 and alternative flow regimes on water use, lake levels  
20 and water availability, the potential effects on the  
21 McMeekin Station water use and discharge, the effects of  
22 the continued project operation and proposed water  
23 levels on water quality, scouring, sediment deposition,  
24 backwater flooding, and invasive aquatic species.

25 The effects of continued operation on water

1 quality in the lower Saluda River, the ability of the  
2 project to provide adequate flows to the lower Saluda  
3 River, the proposed Lake Murray water levels on resident  
4 fishes, the effects of those water levels on the  
5 fishery, and the effects of the proposed project flows  
6 on several other aquatic species, mussels, for instance.

7 The effects of continued project operations on  
8 fish entrainment and mortality, the effects of project  
9 operations and maintenance on wetlands, floodplains,  
10 shoreline vegetation, wildlife and vegetation, including  
11 species of concern. And when we talk about threatened  
12 and endangered species, we typically are talking about  
13 federal endangered and threatened species. Exotic,  
14 invasive and nuisance species, waterfowl. And I've just  
15 covered the last point.

16 The effect of continued project operations on  
17 recreational access and opportunities, whitewater flows,  
18 land classification, the Shoreline Management Plan, the  
19 shoreline permitting requirements, and on land use and  
20 other aesthetic resources.

21 The ability of recreational facilities and  
22 enhancements to meet the recreational demand in your  
23 region. The effect of proposed land recreational  
24 improvements on aesthetic resources, the effect of the  
25 proposed action and alternatives on properties included

1 in the National Register of Historic Places, the effect  
2 of the proposed shoreline management measures on  
3 historic properties, and the effect of the Shoreline  
4 Management Plan on socioeconomics.

5 Okay. Those are the issues that we have  
6 identified thus far based on review of the license and  
7 application and other items that are in the public  
8 record. As Alan has indicated in his introduction, the  
9 purpose of this meeting is to get your feedback and to  
10 get your comments on the issues that you think should be  
11 included in the Environmental Assessment.

12 So at this point, we are ready to proceed with  
13 your comments. As Alan mentioned earlier, please make  
14 sure you give your name and spell it preferably so that  
15 our court stenographer can get it accurate in the  
16 transcript that will be available of this meeting.

17 Written comments may be filed and they should  
18 be filed before May 8th. The final deadline, as I just  
19 said, is May 8th. All the filings must have the correct  
20 project number, and for this project it's Project 516.  
21 The subdocket number is 459. And the specific  
22 instructions on how to file are in the Scoping Document.  
23 And I think most of you have picked up a copy of that.

24 The FERC encourages electronic filing, and  
25 there are step-by-step instructions on how to do that on

1 their website.

2 Okay. At this point we can continue with  
3 comments. Eleven of you have indicated that you would  
4 like to speak. When you speak, please stand up and  
5 project. If you need a microphone, there is one here  
6 that you're more than welcome to use. Our first speaker  
7 is Richard Christie from the South Carolina DNR.

8 MR. CHRISTIE: Good morning to everybody. You  
9 folks from Washington D.C., maybe now we know why the  
10 frigid air is amongst us here.

11 I'm going to -- I represent the Department of  
12 Natural Resources. My name is Richard Christie,  
13 R-I-C-H-A-R-D, C-H-R-I-S-T-I-E. The purpose of my  
14 presentation is to provide you with a summary of key  
15 issues that are important to the DNR. We do intend to  
16 provide written comments.

17 DNR is the State agency that's charged by law  
18 through Titles 48 and 50 of the South Carolina Code of  
19 Laws with the management, protection and the enhancement  
20 of the South Carolina wildlife and fisheries resources.  
21 We have about 4 million constituents, some of which are  
22 in the room with us this morning. We also are involved  
23 with regulating watercraft operations, navigation  
24 facilities, aquatic plant management, comprehensive  
25 drought response, conservation, protection and the use

1 of floodplains, to name a few. I think in a nutshell,  
2 we are the primary advocates for and the stewards of the  
3 fish and wildlife resources for the State of South  
4 Carolina.

5 We've been very active in the relicensing  
6 process. DNR staff's participation has included four  
7 fisheries biologists, some of who are responsible for  
8 the management of Lake Murray and the Saluda River, a  
9 malacologist, a wildlife biologist, a waterfowl  
10 biologist, an avian biologist, a herbatologist, several  
11 hydrologists, aquatic plant specialist, a scenic river  
12 specialist, a recreational facility engineer, and  
13 several from the environmental staff. So we've covered  
14 a wide range of areas of interest and have devoted a  
15 considerable amount of time to work with SCE&G and the  
16 stakeholders over the last three and a half years or so  
17 to work on the technical work committees and to strive  
18 to reach a Settlement Agreement.

19 Our primary goal in relicensing is to find  
20 ways to enhance fish and wildlife resources over the  
21 existing conditions. We are not trying to make a  
22 perfect world. We're trying to identify where we can  
23 improve things within the project area, which includes  
24 both the lake and the lower Saluda River. We believe  
25 we're extremely knowledgeable regarding the fish and

1 wildlife resources and the associated users in the  
2 project area.

3 I'll start talking a little bit about Lake  
4 Murray. Lake Murray is very important from the  
5 fisheries perspective. It provides important habitat  
6 for a number of fish and wildlife species. Based on the  
7 recreation report that was conducted in relicensing,  
8 fishing, when you included boat, bank and pier, was the  
9 most popular activity pursued on the lake. Based on a  
10 DNR study, fishing pressure on Lake Murray ranged from  
11 about 29,000 to 34,000 days per year in three annual  
12 creel surveys that we conducted between 1990 and 2002.  
13 Key fish species targeted by anglers include largemouth  
14 bass, crappie, a variety of sunfish and striped bass.

15 It's our belief that three of the proposed  
16 operational changes will enhance fish habitat in Lake  
17 Murray in a number of ways. Bill Argentieri discussed  
18 several of those operational changes in his  
19 presentation. The first was the change in the guide  
20 curve. The change in the proposed guide curve is going  
21 to increase the amount of aquatic habitat in several  
22 ways. First of all, by maintaining the lake at a  
23 354-foot minimum level rather than the 350 that was used  
24 in -- is used in the current guide curve, that's going  
25 to increase the surface acreage of shallow water habitat

1 by about 4,000 acres. That's a pretty significant  
2 enhancement over what we have out there right now. You  
3 can look at Exhibit B-16 in the License Application and  
4 compute that acreage.

5 Secondly, though, the goal is that in -- is to  
6 keep the lake levels above 354, keep them between 354  
7 and 358. That's going to be additional inundated  
8 habitat created between those lake levels. Again,  
9 Exhibit B-16, you can do the calculations.

10 But thirdly, by maintaining the water level at  
11 358 for six months of the year, rather than the one  
12 month of the year that's targeted with the current guide  
13 curve, we think is going to be very beneficial. We  
14 think we're going to see an increase in desirable  
15 shoreline vegetation, we're going to see habitat  
16 improved not only for fish spawning but for reptiles,  
17 amphibians, birds and mammals and a lot of other  
18 important fish and wildlife species.

19 The second proposed operational change, and  
20 Bill touched on this, was a change in the way Unit 5 is  
21 scheduled. Instead of Unit 5 being last on, first off,  
22 we've modeled what happens to water quality in the lake,  
23 particularly for the summer habitat for striped bass if  
24 you use Unit 5 earlier in the season, first on rather  
25 than last on. We believe that based on the modeling,

1       that there's going to be positive enhancements to the  
2       water quality in Lake Murray, which will benefit the  
3       striped bass.

4               The third operational change that -- in fact,  
5       Bill, I don't think you touched on this one, but we're  
6       talking about some periodic winter drawdowns. And  
7       periodic winter drawdowns, based on modeling, again  
8       conducted in relicensing, are shown to be needed to  
9       maintain water quality in the lake, to keep it from  
10      declining further. But periodic winter drawdowns are a  
11      common fisheries practice. If you draw the lake down  
12      over a winter period, it will crowd the predators of  
13      prey and you can often restructure your fish population  
14      in a positive manner. So we feel, again, that's going  
15      to lead to a positive enhancement of fish populations in  
16      Lake Murray.

17              Turn our attention to -- well, we believe all  
18      those three operational changes should be evaluated in  
19      the EA. We encourage FERC to look at those very closely  
20      to see if they can come to the same conclusions that we  
21      have.

22              On the lower Saluda River, again based on the  
23      recreation survey, boat fishing was the second most  
24      popular activity. The lower Saluda River is very unique  
25      in South Carolina, certainly it's the Midlands of South

1 Carolina, in that it's classified as a trout  
2 put-grow-and-take water by DHEC. DHEC is the Department  
3 of Health and Environmental Control, and they are  
4 charged with protecting state standards, water quality  
5 standards.

6 The lower Saluda supports a very popular  
7 fishery for brown and rainbow trout, and also other very  
8 important uses. The striped bass are an important sport  
9 fish in the lower Saluda. And recent research by the  
10 DNR indicates that the lower Saluda is an important  
11 summer refuge for the Santee Cooper population of  
12 striped bass. It looks like a lot of the larger fish  
13 are coming up out of the Santee Cooper lakes when water  
14 temperatures get a little too warm down there for them  
15 and are seeking thermal refuge in the Saluda River.

16 Also another critical thing for the Santee  
17 Cooper population of striped bass is their primary  
18 spawning habitat is in the Congaree River. The striped  
19 bass flows that Bill mentioned are intended to match  
20 flows in the Broad River to enhance the spawning habitat  
21 in the Congaree which is formed by the confluence of the  
22 Broad and Saluda Rivers not very far downstream from the  
23 confluence.

24 And we think that -- well, other important  
25 objectives to the DNR include enhancing a balanced

1 indigenous aquatic community in the lower Saluda River,  
2 enhancing flow and temperature regimes for trout, and  
3 enhancing spawning flows for striped bass. All those  
4 recommendations came from technical work committees, and  
5 we think they should all be included in the evaluation  
6 in the EA.

7 Another important issue is the implementation  
8 of instream flows. Our thoughts on that are provided in  
9 the State Water Plan. It is a comprehensive plan that  
10 you guys have on record. In particular, we discussed  
11 the need to establish conservation measures that result  
12 in fair allocations during periods of low flow. So far  
13 we've agreed to use two triggers to decide when to  
14 implement a flow reduction. One trigger is the inflow  
15 measured at the chapel's -- inflow of the Saluda River  
16 measured at the chapel's USGS gage. And basically it  
17 has to be less than the scheduled instream flow for that  
18 season to serve as a trigger for the Low Inflow  
19 Protocol.

20 The second trigger is related to lake  
21 elevation in relation to the guide curve. These  
22 proposed triggers for elevation vary between six inches  
23 and four feet. And our concern is if we use a trigger  
24 of six inches or one foot to implement the LIP, then  
25 we'd be reducing the downstream flows when less than --

1 well, when only four and nine percent respectively of  
2 the usable storage have been consumed. So less than  
3 10 percent of the usable storage for that particular  
4 period of time is consumed, and then we're declaring a  
5 Low Inflow Protocol and reducing flows to the lower  
6 river. And we don't think that's consistent with the  
7 State Water Plan.

8 A variety of other issues that we feel should  
9 be included in the EA, many of which you've recognized  
10 already, but first we'd like to ensure that FERC license  
11 recognizes that Lake Murray and the lower Saluda River  
12 are important public trust resources and that the  
13 project is managed to achieve public benefits.

14 Secondly, we want to see that there's a plan  
15 in place to prevent the impairment of appropriate water  
16 uses by invasive aquatic plants. Those appropriate  
17 water uses include water supply, navigation, recreation  
18 and power generation.

19 Thirdly, we want to protect and enhance rare,  
20 threatened and endangered plant and animal species. One  
21 recommendation that's different and would not have been  
22 included in the Scoping Document is that we recommend  
23 the state priority species that are identified in the  
24 Comprehensive Wildlife Conservation Strategy be included  
25 in the awareness program that SCE&G has proposed.

1           We want to protect and enhance opportunities  
2           for fishing, hunting, wildlife viewing and other outdoor  
3           recreation, in particular provide ADA access where  
4           practical. And we think the focus of recreational  
5           facilities, at least in the near future, should be  
6           based -- or should focus on shore-based activities such  
7           as bank and pier access.

8           We also support the recommendation to provide  
9           recreational flows in the lower Saluda River. We want  
10          to ensure that adequate amounts of the remaining  
11          shoreline are protected and that buffer zones are  
12          established on future development lands. We'd like to  
13          see recreational safety increased on the reservoir and  
14          the lower Saluda River. And we also want to see  
15          cultural and historic resources protected.

16          So in general, we concur with the Scoping  
17          Document. We feel like it covers the wide -- most of  
18          our interests. But again, we'll provide our official  
19          comments in writing.

20                 MR. EMERY: Thank you.

21                 MS. WESLOWSKI: I should note that some of you  
22          may make comments on measures that you mentioned are not  
23          in the Scoping Document. And that's because the Scoping  
24          Document includes measures that were in the License  
25          Application and are in the additional information

1 response provided, and some changes have been made and  
2 those will be noted through the scoping comments.

3 Keith Cloud from Trout, Unlimited.

4 MR. CLOUD: I'm Keith Cloud. I am with the --

5 MR. EMERY: Spell the last name, please.

6 MR. CLOUD: Cloud, C-L-O-U-D. I represent the  
7 State Council of Trout, Unlimited. Also I'm past  
8 president of the local chapter, which is the Saluda  
9 River Chapter of Trout, Unlimited, which the Saluda  
10 River Chapter has over 400 members now, and we are  
11 continuing to grow. Statewide we have around 1,500  
12 members and are growing in that area also.

13 My comments won't be very long, but quite  
14 frankly, our big issue here within the framework of  
15 Trout, Unlimited is our charge is to protect cold water  
16 fisheries and its habitat.

17 We are concerned about the Low Inflow  
18 Protocol. And as Dick mentioned earlier, there've been  
19 a lot of studies done that are science-based, and we're  
20 all for that. And we support the two-foot Low Inflow  
21 Protocol. It is our feeling that that will best support  
22 downstream the Saluda River, preserve habitat, and  
23 hopefully we can catch a bigger trout or two and tell  
24 our friends about it, and the beautiful resource that we  
25 have.

1           We know that there's a discrepancy between one  
2           and two feet. And as long as it's science-based, we'll  
3           go with what it happens to be, but we do feel that the  
4           two-foot trigger would reduce -- would enhance,  
5           actually, the fishery for the Saluda River.

6           We've got written comments. We'll also file  
7           those. That's basically it. Let me look at my notes.  
8           I want to thank all those that are working on the  
9           relicensing, the technical working committees. Our  
10          guys, Malcolm Leaphart, Mike Waddell, they've done a  
11          great job for us. Mike is out of town and Malcolm is  
12          retired, but I am sure he will be here tonight to  
13          address you guys, also. Thank you, Bill, for all your  
14          work over the years.

15          That's basically it, though. Our concern is  
16          Low Inflow Protocol. We would push for the two-foot  
17          barrier.

18          MR. EMERY: Is the spelling of the people you  
19          mentioned in your handout, in your paper, your committee  
20          members?

21          MR. CLOUD: Yes. Our guys are Mike Waddell,  
22          W-A-D-D-E-L-L, and Malcolm Leaphart, L-E-A-P-H-A-R-T.

23          MS. WESLOWSKI: Thank you. Tony Bebber.

24          MR. BEBBER: I'm Tony Bebber, B-E-B-B-E-R,  
25          with South Carolina Department of Parks, Recreation and

1       Tourism. We've been involved in the -- participants in  
2       the recreation and land management groups primarily.  
3       And we appreciate SCE&G's effort to set aside additional  
4       land for future recreation. However, we're not  
5       convinced at this time that the current and future  
6       recreational needs of the lake and river are being  
7       addressed by the proposed plan.

8                 The 2008 South Carolina State Outdoor  
9       Recreation Plan was completed and approved during the  
10      process and is approved by the National Park Service  
11      during the relicensing and was submitted to FERC in  
12      October for acceptance as a Comprehensive Plan. I don't  
13      know if that's been accepted yet or not. Anyway,  
14      there's a copy over there, and also the information on  
15      how to get on the website.

16                Both the 2002 SCORP and the 2008 SCORP,  
17      however, recommend a number of things that are similar:  
18      Protecting significant lands for public recreational  
19      use, expanding trail resources for a variety of trail  
20      resources, maintaining and improving existing park and  
21      recreation facilities, increasing funding for park and  
22      recreation facilities, creating partnerships to build,  
23      maintain and promote recreation resources, implementing  
24      existing plans, such as the lower Saluda River corridor  
25      plan and the update, and protecting shorelines and

1 increasing public access to waterfront areas.

2           The 2005 Recreation Participation and  
3 Preference Study, a statewide study, part of the SCORP  
4 process, shows how demand for walking, bicycling,  
5 picnicking, wildlife and bird watching and a variety of  
6 other activities that could be associated with the  
7 project. Other than setting aside land for future  
8 recreation and a couple small canoe access points on the  
9 tributary, the proposed recreation plan shows only minor  
10 improvements to existing boat ramp facilities. No  
11 improvements have been shown or recommended for the next  
12 10 years or beyond for the large year-round parks that  
13 receive the majority of the usage, Dreher Island State  
14 Recreation Area on Lake Murray, Saluda Shoals Regional  
15 Park on lower Saluda River, nor for the proposed Rocky  
16 Creek Park on the southern side of Lake Murray.

17           The larger facilities provide opportunities to  
18 serve a broader public and meet broader recreation needs  
19 and on a year-round basis. Dreher Island has not had a  
20 significant reinvestment by the licensee since the  
21 initial lease some 30-plus years ago. And due to state  
22 budgets and deferred maintenance and aging  
23 infrastructure, there are some significant needs for  
24 maintenance and expansion to maintain a revenue stream  
25 as well as keep the park going over the next 30 years or

1 30-plus.

2           And if Rocky Creek is to become a park, either  
3 a regional or state park or whatever, it will require  
4 significant investment with significant -- well,  
5 significant investment from the licensee. The proposed  
6 park is located on the fastest growing side of the lake  
7 with significant population increase expected over the  
8 30-plus years of the license. Because of its geography,  
9 the park is anticipated to serve a different clientele  
10 and serve different recreation needs than Dreher Island  
11 or the existing boat ramp, boat access area. These may  
12 include such activities as walking, bicycling, canoeing,  
13 bank and pier fishing, wildlife watching, picnicking,  
14 primitive camping or other shore-based passive  
15 recreation activities.

16           Very limited research was done on recreation  
17 needs of the surrounding counties, only interviews of  
18 existing users. There is no mechanism in place to serve  
19 the long-term needs or the southern side of the lake,  
20 and the benefits of a larger park could outweigh the  
21 benefits of upgrading the small boat ramps.

22           I'd be glad to provide some additional  
23 information, if necessary. There is an additional copy  
24 of the 2008 SCORP and Statewide Recreation Study, and  
25 both can be found on our website, [scprt.com](http://scprt.com).

1                   MR. EMERY: Will you be providing some  
2 specific items in a written comment to us?

3                   MR. BEBBER: Yes, we'll provide some comments.

4                   MR. EMERY: Thank you.

5                   MS. WESLOWSKI: David Landis, Lake Murray  
6 Association.

7                   MR. LANDIS: Good morning. My name is Dave  
8 Landis, L-A-N-D-I-S. I'm the president of Lake Murray  
9 Association. Our association is a 501(c)(3)  
10 organization that's goal is to protect the wildlife and  
11 the fisheries for all lake users around the lake. It's  
12 also concerned with safety and education of the public  
13 and our members.

14                   We represent approximately 5 to 10,000 people  
15 around the lake, and we are plugged into this process  
16 from the beginning. Our board members are on all the  
17 RCGs. We are very active in trying to participate and  
18 represent our members.

19                   We just want to make sure we have equal  
20 consideration be given to the environmental, recreation  
21 and economic impact to the lake community. Some of our  
22 concerns are these. And we know that people are working  
23 very hard with all the stakeholders and with everybody  
24 else involved at SCE&G and the agencies. There's a lot  
25 of agreement that has come through this process. There

1 are still some issues that we need to resolve. Some of  
2 them are the minimum flows, the LIP or the Low Inflow  
3 Protocol, the lake winter drawdowns, the frequency of  
4 those drawdowns.

5 The details we'll have in our written report  
6 which we'll submit to you, but it should be mentioned  
7 that the minimum flows, the increased minimum flows have  
8 an impact on our new guide curve. The new guide curve  
9 we support, and we feel that it really does enhance the  
10 lake and the use of the lake, but the increased flows  
11 also are impacted -- will have an impact on that, and  
12 the Low Inflow Protocol will have an impact on that.

13 We originally wanted a six-inch trigger. In  
14 the effort of trying to compromise and realize, I think,  
15 a one-foot drop in the lake is doable in that Low Inflow  
16 Protocol, and we support the one-foot.

17 That's all I'm going to say for now. The rest  
18 of it will be in the report. I have some other members  
19 that will be saying things.

20 MR. EMERY: And you'll provide your report by  
21 May 8?

22 MR. LANDIS: Absolutely.

23 MR. EMERY: Thank you.

24 MS. WESLOWSKI: Joy Downs, also from Lake  
25 Murray Association.

1 MS. DOWNS: I'm Joy Downs, Executive Director  
2 of Lake Murray Association. And I agree with what Dave  
3 had to say about the one-foot, that we do support the  
4 one-foot in the LIP, and that our concern is for fish  
5 and wildlife and humans on Lake Murray.

6 MS. WESLOWSKI: Okay.

7 MR. EMERY: Last name is Downs, D-O-W-N-S?

8 MS. DOWNS: D-O-W-N-S.

9 MS. WESLOWSKI: Suzanne Rhodes, South Carolina  
10 Wildlife Federation.

11 MS. RHODES: Thank you. I am Suzanne Rhodes,  
12 representing the South Carolina Wildlife Federation for  
13 the purposes of relicensing. Several members of the  
14 board and staff have participated throughout the  
15 process. I happen to be a volunteer board member. We  
16 were founded 1931 by hunters mostly, but we basically  
17 support the natural resources agencies on a number of  
18 issues over time and want to protect our outdoor  
19 heritage.

20 The Federation relicensing goal was to support  
21 future protections. Excuse me. I'm trying to beat  
22 David in this pollen season. The Federation relicensing  
23 goal has been to support the future protections of  
24 project resources with an eye toward really serious  
25 habitat protection, water quality protection, and

1 planning for future public access to the lake and also  
2 to the lower Saluda River. We've been very pleased with  
3 the progress made during the negotiation process. We're  
4 particularly impressed that project staff thought  
5 imaginatively of including what had not been project  
6 lands, and so that there are now scattered potential  
7 future resource parks for communities, counties and  
8 cities around the lake. And it may not be enough to  
9 meet future needs, but it was a really major step in the  
10 access of the future public. We're talking about a  
11 whole lot of growth, particularly around the far sides  
12 of the lake. So yeah, we're very supportive of that.

13 We're also very supportive of the new schedule  
14 of the technically-based plan management of the lake  
15 level and of dam operations for power generation. We  
16 have figured that that will protect sensitive habitat,  
17 particularly along the lower Saluda and the Congaree  
18 National Park. Instream flows should be greatly  
19 enhanced by that plan.

20 And I want to make it clear, too, because  
21 folks who live on the lake -- anyway, my husband and I  
22 are lucky enough to live on the lake for about 25 years,  
23 I guess. And lake level is not a priority to us, the  
24 Rhodes, also definitely not a priority for the Wildlife  
25 Federation. They are keenly concerned that the

1 technical sensitivity of the lower Saluda and Congaree  
2 fish -- well, critters be protected.

3 We do have a serious concern that we have not  
4 yet addressed. The Federation is concerned that  
5 setbacks be protected in future development areas.  
6 There's been an ongoing practice of rather unlawful  
7 clearing, and some developers are really cavalier.  
8 Sometimes there's a penalty, sometimes there's not.  
9 We'd think it would be helpful if there might be some  
10 federal penalty guidance or do something to discourage  
11 violations. It's not only just violations, it's  
12 challenges to enforcement that happen.

13 There's not a lot of understanding of habitat  
14 protection among certain communities around the lake.  
15 I've got to give it to Lake Murray Association. They  
16 have a water quality testing program that has helped  
17 greatly.

18 There's another issue, which may not be an  
19 issue, the safety on the lower Saluda. We have  
20 collectively discussed and agreed upon a set of  
21 additional new warning strobes and sounds in the  
22 recreational areas of the lower Saluda. History has  
23 proven that some folks are uninformed or distracted and  
24 ignore the current warning signals. And these folks not  
25 only risk their own safety, but those of the people who

1 try to rescue them. And we are hopeful that the  
2 installation of the additional signals will not await  
3 licensing but will proceed as soon as possible. At this  
4 point it's tied to three or some years after the actual  
5 licensing. We would like to see it happen as soon as  
6 possible.

7           Anyway, I want to thank all that have  
8 participated in the relicensing process. And we're used  
9 to working with some of them, but it was a happy  
10 surprise that American Rivers dedicated technical and  
11 legal staff to help volunteers like me make purposeful  
12 use of my time. Thank you very much. We'll submit  
13 something in writing.

14           MR. EMERY: Thank you.

15           MS. WESLOWSKI: George Duke, Lake Murray  
16 Homeowners Coalition.

17           MR. DUKE: Right here. I'd like to give my  
18 time to Steve Bell. We both want to talk about the Low  
19 Inflow Protocol, and Steve is more on top of it than I  
20 am. I do want to point out, some of the critters on the  
21 lake, I'm one of them that just wants to be safe.  
22 There's 40,000 of us homeowners out there that feel as  
23 if we have not been heard properly about the lake.

24           MR. BELL: My name is Steve Bell, and I'm with  
25 Lake Murray Watch Organization. I'm going to add to

1       what Dave Landis said a little bit. One of the things  
2       that we're real concerned about is protecting our fish  
3       and wildlife habitat on Lake Murray. This has been one  
4       of our organization's goals. And so we would like, in  
5       your EA, to make sure that you look at the information,  
6       especially how land sales impact the habitat areas. And  
7       we're concerned about the continued sale of those homes  
8       in those areas.

9               The other thing that we're concerned about is  
10       how the lake levels impact the environmental and  
11       recreational resources. And we have done -- there  
12       wasn't a whole lot of studies that were done on the lake  
13       on how various lake level -- various lake level stages  
14       impact the resources. Lake Murray Association did a  
15       survey, and one of the things they found out is that if  
16       the lake drops to around 354 elevation, about 50 percent  
17       of the docks are sitting on the ground.

18              We also -- as far as the LIP, if we get  
19       rainfall, we don't have a problem. If we don't get  
20       rainfall, we could see a scenario where recreation  
21       opportunities through private docks could be cut out for  
22       six to eight months. So our biggest concern is in that  
23       LIP, is slowing that thing down to where we have a  
24       chance of keeping the lake level up during the summer.

25              The other thing is that we found out -- and

1 we've got a fishermen's focus group together -- and when  
2 the lake drops one foot, two feet, we believe that the  
3 littoral zone around Lake Murray is dewatered. If you  
4 do that in the April-May timeframe, you're going to see  
5 a dry up of those fish habitat areas. And we believe  
6 that littoral zone is the key to the animals' survival  
7 on the lake.

8 So we want that lake to -- we support what  
9 SCE&G is proposing with a one-foot LIP, because we feel  
10 that that trigger will slow that process down and at  
11 least protect some of those habitat areas from being  
12 dewatered. And I think that's all I have to say.

13 MR. EMERY: I have a question. You said about  
14 at water levels of 954, about 50 percent of docks on the  
15 ground. How did you come up with a figure? A survey of  
16 members of your group?

17 MR. BELL: LMA has a survey, and it's in the  
18 record, and I think they'll provide you with that  
19 survey.

20 Now, we have asked for a survey in relicensing  
21 of homeowners to get more information on how they use  
22 the lake, how much money they spend, how much -- how the  
23 lake levels impact their use of the lake. And that  
24 study wasn't done, because we felt we could agree on  
25 these things in using our own committees's expertise.

1       So we didn't do that study. But they have a study that  
2       gives you a pretty good idea of what happens.

3               MS. WESLOWSKI: Thank you.

4               MR. EMERY: Thank you.

5               MS. WESLOWSKI: Matt Rice, American Rivers.

6               MR. RICE: I'm Matt Rice with American Rivers.  
7       We've been involved in this relicensing process from the  
8       very beginning. I've just got a few comments and we  
9       will be submitting comments before 5:00 p.m. on the 8th  
10      of May.

11              American Rivers is currently participating in  
12      the settlement process. We are encouraged by its  
13      progression and we believe we will have a resolution  
14      that is positive for both the lower Saluda River and  
15      Lake Murray. We encourage the Commission to give the  
16      settlement process time in order to consider the  
17      settlement before issuing the Draft Environmental  
18      Document.

19              The magnitude of effects on the human  
20      environment associated with this project are  
21      substantial. For that reason we think that the  
22      Commission should consider issuing an Environmental  
23      Impact Statement. Within the project boundaries there's  
24      a 48,000-acre reservoir, there's a cold water trout  
25      fishery, one of the only quality whitewater runs within

1 the limits of a major metropolitan area and state  
2 capital in the U.S., the federally-endangered shortnose  
3 sturgeon spawns in the confluence, and its flow  
4 contributes significantly to the unique floodplain  
5 ecosystem of the Congaree National Park.

6 The Commission should consider the lower  
7 Saluda River's important contribution to the floodplain  
8 ecosystem of the Congaree National Park. American  
9 Rivers, along with the National Park Service, submitted  
10 recommendations in our Ecologically Sustainable Water  
11 Management Report, which were attached to our comments  
12 on the final License Application and will be filed on  
13 their own before May 8th.

14 The Commission should also consider the  
15 recreational importance of the lower Saluda River.  
16 Although only 10 miles in length, it's one of the most  
17 heavily used rivers in the southeast. It receives over  
18 150,000 recreational user days a year, which equates to  
19 roughly one-fourth of the recreational user days on Lake  
20 Murray. Therefore the lower Saluda River, along with  
21 Lake Murray, serve as important economic engines in the  
22 region.

23 Because of this recreational importance, SCE&G  
24 must implement a reliable notification and safety  
25 system. This must include public notification of all

1 operations to the extent possible, realtime flow  
2 reports, reliable calldown system, an adequate warning  
3 system, including sirens and lights. The Commission  
4 should consider SCE&G's commitment to operations outside  
5 of reserve operations that reduce excessive downstream  
6 fluctuations in favor of lower flows over a longer  
7 period of time for the benefit of fish and wildlife and  
8 public safety and recreation. Thank you very much.

9 MR. EMERY: I have a question for you. The  
10 150,000 user days in the lower Saluda River, do you  
11 have -- what's your data source?

12 THE WITNESS: That was in one of the license  
13 documents --

14 MR. EMERY: Submitted?

15 THE WITNESS: Yeah. I believe it is in the  
16 PAD. I'm not sure.

17 MR. EMERY: Thank you.

18 MS. WESLOWSKI: Jerry Howard.

19 MR. HOWARD: Thank you very much, gentlemen  
20 and all you SCE&G people and whoever had anything to do  
21 with it.

22 If we're following the new guide curve, I  
23 think that's a wonderful idea. My concern is that we  
24 don't forget about the human environment when we're  
25 talking about the environment of Lake Murray. Lake

1 Murray is a tremendous economic asset to the State of  
2 South Carolina, and specifically to the Midlands. And  
3 I've been involved in economic development activities  
4 for many years, and when you bring people in from other  
5 parts of the country that are potentially locating  
6 businesses here, there are going to be jobs for our  
7 people, Lake Murray is a tremendous asset if you can  
8 show them that as a potential place for their executives  
9 to live. They like that. If it has water in it, it's  
10 much more pleasant. A mudhole is not very attractive.  
11 That's what we have to understand.

12 I don't see anything wrong with people living  
13 on the lake. I think that the majority of the people in  
14 this region are people, and the recreational aspects and  
15 the lifestyle of being able to live on water is very  
16 attractive to most people. And if they are able to do  
17 that, I think all the cultural and recreational and  
18 natural environment aspects can be protected, but we  
19 need to make the lake available to people and we need to  
20 keep the water level up.

21 I can't tell you how miserable it is to live  
22 through two winters of the kind we had recently. If  
23 we -- if we can avoid periodic drawdowns at all, it  
24 would be good. Maybe I'm missing something, but if you  
25 keep the water at the level that it has been this

1 winter, it makes the lake much more available and  
2 attractive to everybody, everybody, the people that live  
3 on it and the people that use it, the people who drive  
4 by and smile, or if it's a mudhole, frown. I think  
5 these people need to be represented, and it is my  
6 privilege to do that. Thank you very much.

7 MR. EMERY: Thank you.

8 MS. WESLOWSKI: Joe Agnew.

9 MR. EMERY: Spelling of your last name,  
10 please.

11 MR. AGNEW: My last name, A-G-N-E-W. I don't  
12 really have anything to add to the conversation that has  
13 happened, except to state that the lake level definitely  
14 has a huge impact on the commerce of the area, and also  
15 that when the lake level gets below 354, that's the  
16 biggest changes that we all have to contend with. And  
17 I'm very pleased with this meeting and everything that  
18 has been stated. Thank you.

19 MR. EMERY: Thank you.

20 MS. WESLOWSKI: And our last speaker who  
21 signed up to speak, Robert Keener.

22 MR. KEENER: The name is Bob Keener,  
23 K-E-E-N-E-R. I have been fortunate, I guess, to fish  
24 Lake Murray for some 46 years now. Lived on Lake Murray  
25 now for nearly 30 years. I would like to point out or

1 call to our attention a couple of obvious points. We've  
2 talked about the lake, we've talked about the lower  
3 Saluda. They're both important. They're integral.  
4 They're dependent each on the other, but we need to  
5 focus on the differences that occur. You've got  
6 10 miles of lower Saluda, 20 miles of Saluda River  
7 shoreline. Lake Murray, you've got nearly 50,000 acres.  
8 600-plus miles of shoreline, four counties. 40,000 or  
9 better people who live around Lake Murray. And as was  
10 just pointed out, the impact on Lake Murray on that  
11 community of 40,000 is tremendous.

12 The lake level is key to what happens to the  
13 environment and to the community and to the commerce  
14 around Lake Murray. And the two concerns that I have  
15 sensed from the relicensing, two issues, one is the  
16 outflow, the higher springtime flows in the Saluda  
17 River. A good thing for the stripers, a nice thing for  
18 the bass -- I mean for the trout. I remind you the  
19 trout are not native. They're stocked by the NR. They  
20 weren't here before. The dam makes it possible. That's  
21 a good thing.

22 But we don't want the tail to wag the dog.  
23 And sometimes what I hear and what I see, that's what I  
24 feel, that the emphasis is a little excessive in the  
25 wrong direction. DNR stated the number of fishery days

1 or fishing days that took place on Lake Murray. How  
2 many fishing days are there on the lower Saluda? How  
3 many residents are there along the lower Saluda? How  
4 many boating days are there on the lower Saluda? You've  
5 got to put it into some kind of perspective, some  
6 balance. I just don't want us to lose sight of that.

7 The other concern I have is the proposed  
8 winter drawdown that some so-called experts have said  
9 would be beneficial for water quality, for scouring of  
10 the shoreline. I personally am not convinced of that.  
11 I haven't seen any scientific evidence that Lake Murray  
12 will benefit from that. And unless and until I do see  
13 some kind of scientific evidence, I'm very reluctant to  
14 jump on board and think that that's a good idea or  
15 that's the way we ought to go.

16 Empirical evidence from other lakes may or may  
17 not apply to Lake Murray. The residents' time for water  
18 in Lake Murray is greater than any other lakes in the  
19 southeast United States. It's over one year. A factor.  
20 We need to get some specific Lake Murray testing to  
21 quantify what has alleged to be the case. I haven't  
22 seen that. I'll be happy to embrace it if it can exist,  
23 but I haven't seen it. And I think until it's produced,  
24 until those tests have been done and we can see the  
25 results of what will improve the water quality, I don't

1 think we should go there. Thank you.

2 MS. WESLOWSKI: Thank you. That is all the  
3 folks who signed up to speak. We have plenty of time.  
4 If others would like to comment, please feel free to do  
5 so.

6 MR. CRAFTON: Yes. I don't have a comment. I  
7 have a question.

8 MS. WESLOWSKI: Would you give your name.

9 MR. CRAFTON: My name is Ralph Crafton,  
10 C-R-A-F-T-O-N. I'm president of the Hallmark Shores  
11 Homeowners Association. I've lived on Lake Murray for  
12 32 years. I've tried to take some notes about what's  
13 been going on here, and it seemed like we started out  
14 with this beautiful scenario of the water levels being  
15 at 358 for a period of time, and then the timeframe for  
16 them to drop down and all of that.

17 And what I'm a little bit confused about, we  
18 then started talking about the -- what the flow and the  
19 dates of the flows and this type of thing, and how they  
20 would be adjusted based on the Broad River flow. And  
21 then we talked about recreational flow and how that  
22 would be affected. Then we got into flow triggers.  
23 This got me a little bit confused.

24 How does all this flow affect the levels? Are  
25 these flows going to make the first scenario or the

1 first project of no value? I don't understand. How are  
2 all these triggers and all these flows and all these  
3 guarantees going to affect water levels, which is what  
4 I'm primarily interested in? Do y'all have any comments  
5 on that.

6 MR. CREAMER: I'm going to ask Bill to answer  
7 that.

8 MR. ARGENTIERI: During a normal flow year --  
9 we don't have a definition of what a normal flow year  
10 is, though -- in a normal flow year, all of those flows  
11 that we're proposing for the minimum flows and the  
12 recreational flows can be met along with maintaining the  
13 guide curve the way it is.

14 That's -- your question is timely because  
15 that's the main focus of what the Low Inflow Protocol is  
16 all about, is if the inflows are lower than what can  
17 support the downstream flows and the recreational flows,  
18 what is the trigger to start cutting those back. And  
19 that's why there's -- that's why that debate is still  
20 going on today.

21 MR. CRAFTON: Why did we go from what used to  
22 be at 180 up to 700 to 1,000 all of the sudden? That's  
23 what it's been all along.

24 MR. ARGENTIERI: Well, I'll go back to  
25 something that Dick Christie from DNR made as far as one

1 of their statements. The resource agencies are looking  
2 at trying to enhance the environment and the resources  
3 in the lower Saluda River, in addition to what's on the  
4 lake. And these flows will provide an enhancement to  
5 what's out there right now, with the difference between  
6 180 and the 700 and the 1,000. It will provide more  
7 enhancement to the lower Saluda River.

8 MR. CRAFTON: So in normal times, these will  
9 not affect the levels of the lake?

10 MR. ARGENTIERI: During normal times, these  
11 will not affect the levels of the lake.

12 MR. CRAFTON: Were the past 10 years normal  
13 time? Because I thought we've been in a drought  
14 situation.

15 MR. ARGENTIERI: Actually, we've been in a  
16 drought eight of the last 10 years.

17 MR. CRAFTON: So how would it affect it these  
18 past 10 years?

19 MR. ARGENTIERI: That would depend on how the  
20 Low Inflow Protocol would be implemented.

21 MR. CRAFTON: So it could be severe or minimal  
22 or what?

23 MR. ARGENTIERI: It all depends on how the Low  
24 Inflow Protocol is implemented.

25 MR. HOWARD: Jerry Howard. I spoke earlier.

1 If I may, does it mean more will flow out than flows in?  
2 If the dam was not there, it would be approximately  
3 equal. So in my opinion, you should never exceed the  
4 outflow with the inflow. Whatever comes in should go  
5 out and no more, unless you have some plan to save up  
6 for that.

7 MR. ARGENTIERI: Is there a question?

8 MR. HOWARD: It's a suggestion.

9 MR. ARGENTIERI: Okay.

10 MR. HOWARD: That's what I think most people  
11 would think would be reasonable.

12 THE AUDIENCE: If we put this question in  
13 writing, can we get an answer back with various  
14 assumptions, if it's a one-foot or a two-foot or  
15 whatever, how it will affect the actual lake levels, so  
16 we can get a feel for what is really going on?

17 MR. CREAMER: You would see -- our response to  
18 that question would show up in our Environmental  
19 Document. That's where we would do all our analysis of  
20 what the proposed action is, looking at the lake level  
21 and looking at the lower Saluda, and how those two  
22 interact and what can and cannot be done based on the  
23 recommendations we would get.

24 THE AUDIENCE: Okay.

25 MR. GREEN: My name is John Green, G-R-E-E-N.

1 Two comments. One, one of the previous gentlemen  
2 commented that he would like to see the EA changed to an  
3 EIS, Environmental Impact Statement. Having been  
4 associated with both, and also now a homeowner on the  
5 lake, I would be violently against an Environmental  
6 Impact Statement, basically because it would take many  
7 years more than an EA, maybe beyond my lifetime,  
8 assuming that I have a long lifetime. I also don't see  
9 the benefit in this specific case doing an EIS, other  
10 than to drag things out to the point of not changing  
11 anything we live under now. And I don't think that's  
12 beneficial.

13 I like the new guide curve, but based on the  
14 previous discussion we just had in the last couple  
15 seconds, I would also like to see that guide curve have  
16 a minimum requirement, not just be a guide curve, but  
17 have a minimum, say, 357 or some number in the summer  
18 and even spring and fall that at which the low flow  
19 restrictions or the low flow requirements can be  
20 aggregated. In other words, if you reach some level,  
21 you go back to either not opening the dam or opening the  
22 dam to some very minimal number as has been talked about  
23 here, where you don't have more outflow than you have  
24 inflow. So not just have a guide, but also have some  
25 requirements at some lower numbers.

1                   Those are my two comments. Thanks.

2                   MS. WESLOWSKI: Anybody else?

3                   MS. DOWNS: I realize I spoke a minute ago.  
4 I'm Joy Downs for the Lake Murray Association. In  
5 answer to the question that was posed as to what happens  
6 in a drought situation, SCE&G has gone back over the  
7 years, and in the last year, in 2008, we were definitely  
8 in a drought situation. The people on the lake may not  
9 realize that because we had good levels, but we had good  
10 levels because SCE&G made that happen.

11                   But if you had put the suggested LIP over  
12 2008, and the outflows that DNR's requesting, you would  
13 have seen levels in July and June of 354, 353. It would  
14 have gone down to 350 before we got to September. SCE&G  
15 has done that, you can see it, it's as clear as day.

16                   So I agree with this gentleman here. We need  
17 to have some kind of a situation where we have a minimum  
18 that we're not going beyond. Even though the guide  
19 curve says 354, it's been stated in meetings that it  
20 could go down to 350 under certain circumstances. I  
21 think they need to be clarified.

22                   MS. WESLOWSKI: Okay. Other comments?

23                   MR. BELL: Steve Bell. I'd like to know how  
24 many people here are from the lake and would support  
25 SCE&G's LIP. I don't know if you know that much about

1       it, but support SCE&G's proposal of one-foot, which  
2       would reduce the flows. How many people here are from  
3       the lake? Raise your hand.

4               THE AUDIENCE: That doesn't mean we all  
5       support it.

6               MR. BELL: How many people support? A lot of  
7       you probably don't understand it. Do you support it?

8               THE AUDIENCE: I've just listened to Bill say  
9       he's unprepared to tell us specifically what it is. I  
10      can't support something I don't understand.

11              MR. BELL: That's what I asked. You make a  
12      good point.

13              MR. GREEN: I think the answer is a lot of us  
14      would support it if there is some minimum number, not  
15      just a guideline that is nothing more than a guideline.

16              MR. BELL: Well, there is one.

17              MR. GREEN: Yeah, 350.

18              MR. BELL: There is a proposal and it's on the  
19      record that you can read. It will show you the  
20      difference between a one-foot and a two-foot trigger  
21      level, and with the grass and the computer modeling to  
22      go with it.

23              MR. RUPLE: I just want to say one thing.

24              MR. EMERY: Your name, please.

25              MR. RUPLE: Oh, I'm sorry. Ruple, R-U-P-L-E,

1 first name Tom, Lake Murray Association. We've  
2 conducted a lot of studies on the lake, some of which  
3 Mr. Bell over there referred to. For the gentleman back  
4 here, the Lake Murray position has been for the last 14  
5 years that this lake should never ever drop below  
6 354 feet unless there's a major catastrophe coming up  
7 like both dams breaking.

8 So we have felt like, during that time, that  
9 if we even do any of the triggers, whether it's six  
10 inches or one foot or two foot, and I guess DNR now is  
11 saying four foot, whatever that is, stop at 354 and shut  
12 the water off. Thank you.

13 MR. AMMARELL: My name is Ray Ammarell,  
14 A-M-M-A-R-E-L-L. I'm an engineer working for the  
15 licensee.

16 I just wanted to clarify a couple of things  
17 about the proposal for the Low Inflow Protocol. For one  
18 thing, it does include -- no matter what trigger levels  
19 are under discussion, all the proposals that have been  
20 put forth so far include the type of minimum level  
21 restriction to trigger the maximum reduction in outflow,  
22 the minimum flow. In other words, once the lake drops  
23 below a certain elevation -- which right now we've been  
24 discussing 354 -- but the outflow would be reduced to  
25 the minimum flow allowable to protect the lower Saluda

1 River habitats and other uses.

2 That being said, any time the outflow exceeds  
3 the inflow, the reservoir is going to fall. And there's  
4 nothing to prevent that. So you can't set an absolute  
5 minimum and say it's never going to go below that,  
6 because if the inflow is very low for an extended period  
7 of time, then even the most restrictive outflow regimes  
8 will result in the lake falling below whatever level you  
9 might set.

10 What we're trying to do is come up with an LIP  
11 that adequately addresses the conservation of the  
12 storage in the lake and the protection of the resources  
13 on the lower Saluda.

14 Another point to make is that evaporation does  
15 play a role in the loss of storage from Lake Murray in  
16 the summertime. You can have as high as about 250 or  
17 300 cfs, cubic feet per second, of evaporation over the  
18 lake area in the hottest months. And that results in  
19 the lake slowly dropping through the hot months if the  
20 inflows are low. So there's limited amounts of  
21 responses you can make to try to conserve the storage in  
22 a really low inflow situation. And I think there have  
23 been a lot of -- the technical working committees have  
24 done a lot of work to try to figure out what is the  
25 minimum protective flow for the lower Saluda River. And

1 the LIP discussions that are ongoing are trying to  
2 determine when that should be implemented. But these  
3 things that you're talking about, the levels to trigger  
4 these reductions, that's all part of the proposal at  
5 this time.

6 MR. EMERY: Thank you.

7 MR. SWALGREN: I'm Norm Swalgren,  
8 S-W-A-L-G-R-E-N. I just have two issues to bring up,  
9 but it's been recently in the paper.

10 Batesburg-Leesville is talking about a new  
11 water plant, up to 15 million gallons per day. This  
12 gentleman was talking about evaporation. And of course,  
13 that would also contribute to any kind of a drought  
14 area. They also mentioned that the new growth in the  
15 Ballentine-Chapin area, that that would also contribute  
16 more to the drawdown of the lake.

17 Any time it goes -- and I've only had  
18 experience with the lake for the last seven years now,  
19 but I know that any time it goes beyond that 354 level,  
20 it affects everybody, including small business, which I  
21 have a small marina on the lake. And that would impact  
22 me very badly. Thank you.

23 MS. WESLOWSKI: Any others?

24 MR. HAWKINS: My name is Tim Hawkins,  
25 H-A-W-K-I-N-S, and I am a recreational user of the lower

1 Saluda River, specifically a whitewater kayaker, and a  
2 part of that community. I want to speak on their behalf  
3 here today, although I don't formally represent any  
4 group, but I know that they are -- personally, I am in  
5 support of the increased minimum flows on the lower  
6 Saluda River and the recreational, proposed recreational  
7 releases. I think we would all agree that the state and  
8 the Midlands are tremendously blessed by Lake Murray and  
9 the Saluda River, and we should all just continue to  
10 pray for rain.

11 MS. WESLOWSKI: Thank you. Any other  
12 comments? Do any of the team members have questions or  
13 any clarifications from any of the information that's  
14 been provided?

15 MR. CREAMER: Does anybody have any questions  
16 on process or procedure?

17 THE AUDIENCE: Are there going to be any  
18 official records of this meeting? Will the comments be  
19 published somewhere, on the Internet?

20 MR. CREAMER: Yes, the proceedings of this  
21 meeting, which is being transcribed, will eventually be  
22 available on our e-library system, so they will be  
23 available to the public.

24 MR. HAY: I have one question for Bob Keener.  
25 You mentioned the residents' time on the lake all year.

1 Can you give us the source of information for that  
2 number?

3 MR. KEENER: That's been briefed to us at  
4 several sessions that we've had here. Do you have that  
5 information on the residents? At the time that was  
6 first briefed to us, a point was made of it that it was  
7 rather high. It's very unusual, and of the lakes in the  
8 southeast, it's most unusual.

9 MR. HAY: Thank you.

10 MR. BELL: I have a question. Back in last  
11 August, we responded to your tendering of the License  
12 Application and asked that certain studies be done to  
13 get more information on how various lake level stages  
14 impact the Lake Murray resources. And that request was  
15 denied, and for one of the reasons that we didn't follow  
16 the proper procedure or something. But since then, it's  
17 my understanding that you people feel like you have that  
18 information already in the license.

19 And I'm concerned whether there's enough there  
20 and how we can get more information to be able to  
21 quantify the impacts on the lake from these various, the  
22 downstream flows and the LIP. It seems like maybe we're  
23 going to have to be able to quantify and understand the  
24 consequences and the impact before we can come up with a  
25 way to determine what's equitable as far as sharing

1 water.

2 So I don't know where that information is.  
3 You say you have it, it's in the License Application,  
4 but I don't -- there's no information there that tells  
5 how any docks sit on the ground, at what level, and  
6 where the -- how the drawdowns affect the littoral zone,  
7 that kind of thing. I hope we can get that information  
8 so y'all can evaluate this properly.

9 MR. HOWARD: How much money are we spending on  
10 this process? How much would it cost to do an  
11 Environmental Impact Study? Do y'all have any idea?

12 MR. CREAMER: How much would it --

13 MR. HOWARD: How much additional money would  
14 it cost somebody if we had to do an Environmental Impact  
15 Study?

16 MR. CREAMER: I would imagine that would  
17 depend upon who you would have do it. Probably double.  
18 That can vary depending upon who you have do the  
19 Environmental Impact Study. But I can say, we talked  
20 about the difference between an EA and an EIS. There  
21 isn't a tremendous amount of difference from the  
22 standpoint of the substance of the document. Most of  
23 the difference in the EA and the EIS is in the process  
24 and the procedure part and the steps you have to go  
25 through to get one issued.

1                   MR. HOWARD:  It's been my experience that an  
2 EIS is much more.

3                   MR. CREAMER:  An EIS has certain sections that  
4 are not included in the EA, but from the standpoint of  
5 the substance of it and the analysis, there's not a lot  
6 of difference between the two.

7                   Anything else?  Any other comments?  We're not  
8 going anywhere.  Thank you.

9                   (Meeting concluded at 10:45 a.m.)

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

C E R T I F I C A T E

I, CYNTHIA FIRST, RPR, CRR, hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me in the above cause and that it is a correct transcript of the same.

---

CYNTHIA FIRST, RPR  
Certified Realtime Reporter