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FEDERAL ENERGY REGULATORY COMMISSION

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Catawba Wateree Hydroelectric Project  
Project No. 2232-522

SCOPING MEETING

Baxter Hood Center (York Technical Center)

452 South Anderson Road

Rock Hill, South Carolina 29730

April 22, 2009

7:00 p.m.

## 1 APPEARANCES:

2 For Federal Energy Regulatory Commission

3 Shawn Murphy

4 Kim Carter

5

6 Joyce Brooks - Longview Associates

7 Suzie Boltz - EA Engineering

8 Paul Muessig - EA Engineering

9 Mary Koeneke - EA Engineering

10

11 SPEAKERS PAGE

12 Mark Oakley 4

13 Ken Koth 12

14 Sarah Williams 16

15 Walter Riggan 19

16 Rebecca Wodder 25

17 Maurice Blackburn 29

18 Gary Faulkenberry 31

19 Morris Worthington 35

20 David Merriman 39

21 Ms. Davis 43

22 Linda Worthington 44

23 Betty Biggan 52

24

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

2 MR. MURPHY: My name is Shawn Murphy  
3 and I'm with Federal Regulatory Commission. I was  
4 the project manager for the production of the Draft  
5 Environmental Impact Statement.

6 I'm here tonight with my fellow  
7 colleague Kim Carter, she's our engineer on the  
8 project, I was the aquatic biologist, and we have  
9 several folk with us from EA Engineering. I should  
10 have had you write down your name so that I  
11 wouldn't mess them up.

12 Suzie, you want to come up and just  
13 run through your people quick?

14 SUZIE BOLTZ: Hi, I'm Suzie Boltz  
15 with EA Engineering. I'm the Project Manager for  
16 the consulting group. With me tonight is Paul  
17 Muessig who worked on water resources and aquatic  
18 ecology. Mary Alice Koeneke who worked on  
19 Terrestrial Resources and species, and Joyce Brooks  
20 with Longview Associates, who worked on --  
21 management and recreation land view issues. Thank  
22 you.

23 MR. MURPHY: We're very busy at the  
24 Commission right now with a bunch of ocean energy  
25 projects, and running a lot of projects in the

1 Mississippi river and open water, so most of my  
2 other staff from the office is off in other places.  
3 I think the only person back at the office right  
4 now is my boss, so he's a little annoyed.

5                   We're here tonight to give everyone  
6 another opportunity to talk to us. You might  
7 remember me if you came to the scoping meetings a  
8 couple years ago at this point where we had  
9 actually four sets of meetings, this time it's just  
10 two as we get closer to the end. And this is the  
11 last one. Nice to see you all here. I'm glad  
12 people are signed up to speak.

13                   We're going to start with Mark  
14 Oakley who is going to lay out some concerns that  
15 the majority of the stakeholders of Duke have  
16 combined together so far to find out of the Draft  
17 EIS and get those on the record and give you people  
18 a point to start with knowing what's already been  
19 put out in front of us.

20                   MARK OAKLEY

21                   MARK OAKLEY: Good evening my name  
22 is Mark Oakley and I work for Duke Energy and I'm  
23 the Catawba Wateree Relicensing Project Manager.

24                   I appreciate Shawn -- I believe  
25 we've asked for just a couple minutes to brief you

1 and welcome you, first of all, but also share with  
2 you sort of our very broad and general perspective  
3 at this stage of the relicensing process, where are  
4 we at, what does it mean.

5 The fact that we're here tonight at  
6 this meeting is very, very positive. FERC staff and  
7 their consultants that they hired to produce the  
8 DEIS, they have moved the process a giant step.  
9 This means that a real critical part is needed to  
10 repair the Environmental Impact Statement has been  
11 done, and this is by all means a good sign.

12 Throughout the DEIS document, Draft  
13 Environmental Impact Statement and probably in the  
14 comments tonight, we will all hear the term a lot  
15 "CRA." CRA stands for Comprehensive Relicensing  
16 Agreement. And Duke and 84 other parties started  
17 in 2003 to come up with this agreement and to come  
18 up with a way to sign this agreement, and we did so  
19 in August of 2006. And the CRA is sort of the  
20 local solution and the local proposal that we  
21 collectively sent to the Federal Energy Regulatory  
22 Commission for how we can operate this project and  
23 how we can sort of meet the related needs in the  
24 Catawba basin.

25 We try to take a long look into the

1 future and we try to make sure that this will be a  
2 resilient plan. We try to look at for a variety of  
3 interest public and private water uses, certainly  
4 power generation water uses protecting, enhancing  
5 environmental resources, recreational access,  
6 recreation flows, cultural archeological. We tried  
7 -- We try not to miss a thing. And thank's to your  
8 hard work, I think that was a very successful for  
9 those of you who were involved with us in that  
10 stakeholder process.

11 The CRA has become sort of a, the  
12 center piece or the center cog, you know, if you  
13 will in a big machine. It -- The CRA consist of  
14 itself, consist of license. CRA proposed contact  
15 for a new license, as well as other agreements, and  
16 when you mesh them together, represent a total  
17 package of benefits and responsibilities for the  
18 part is in the Catawba-Wateree basin. It serves as  
19 a important part of our water quality certification  
20 applications that we filed in North and South  
21 Carolina. We referenced that document and its  
22 requirements. And also if you don't know back in,  
23 I think May of last year, working with South  
24 Carolina D & R Fish & Wildlife -- U.S. Fish &  
25 Wildlife Service, South Carolina Deheck with Carol

1 Sales Sandy Cooper -- water resource and Noah  
2 Fisheries. We developed a diagnosis fish passage  
3 accord. That was a topic that was not covered in  
4 the CRA. So after that group finished work.

5 Now Deheck and Noah Fisheries did  
6 not sign that document, but it turned out to be a  
7 very creative way to help work on jump starting  
8 diagnosis fish populations, but it also was designed  
9 to be in coordination with and consistent with the  
10 CRA. So, you know, lots of things revolved around  
11 the content in this document.

12 We're in the stage of relicensing  
13 now where that agreement, that CRA is being tested,  
14 and it has gone through a couple tests, it's passed  
15 a couple test. North Carolina issued their 401  
16 water quality certification, basically  
17 incorporating by a reference, the entire CRA. And  
18 the preliminary passage prescriptions issued by  
19 U.S. Fish & Wildlife Service, you know, remained  
20 consistent with the CRA and with that fish passage  
21 accord.

22 A couple of the tests are still  
23 going on and those sort of one of those is the  
24 water quality certification that South Carolina  
25 Deheck has in front of them right now, that process

1 and their assessment and decision on that  
2 certification is still ongoing. We fully expect  
3 that it will rely on certain provisions of the CRA  
4 and the FERC by virtue of the fact that they  
5 evaluated that CRA and consider it as one of their  
6 alternatives in this DEIS document, means that  
7 they've tested the document, too.

8                   Some of the hallow findings, I  
9 guess, that Duke and probably others have seen by  
10 now is that and one is very positive and it's that  
11 the DEIS has not to -- to my read found that we  
12 missed anything and that's good. It does send us  
13 back to the drawing board for more studies and the  
14 more negotiations. So we think we got the issues  
15 covered, that's very positive.

16                   Another positive finding is that it  
17 essentially adopts as the CRA as is preferred  
18 option, but it does add some additional FERC staff  
19 recommended requirements.

20                   I guess the biggest concern that  
21 Duke has, as someone who has labored through this  
22 process along with me, I guess, is this a case  
23 where more is necessarily better. There are some  
24 of these items in -- recommended in the DEIS that  
25 if they make it into a new license, can unbalance

1 to some degree or change the level of benefit and  
2 the level of responsibility that we all as party to  
3 the CRA agreed to. That doesn't -- If the license  
4 requires more, those resources may come from the  
5 balance of the agreement. And we don't want to see  
6 stakeholders who, you know, bargain for a certain  
7 outcome, get any less than that. And we don't want  
8 anybody to suffer anymore burden or responsibility  
9 then they already agreed to.

10 So while Duke, you know, is aware  
11 and acknowledges and sort of salutes the fact that  
12 the Federal Energy Regulatory Commission has the  
13 responsibility and the authority to craft a license  
14 that best meets the needs of the basin. We feel  
15 like we also need to in our comments which we won't  
16 go into detail tonight, but we will be filing by  
17 the deadline, we need to make a strong case, and we  
18 intend to make a strong case that the CRA is still  
19 our local solution and it's still the solution that  
20 gets the job done. However, if there are things  
21 that FERC requires that is above and beyond, let's  
22 make sure that those requirements are well  
23 justified. Let's make sure that they meet several  
24 basic tests of their own that the things that  
25 they're adding are due to the things that are

1 related to the project operational impacts, let's  
2 make sure that they're efficient and effective and  
3 practical. Let's make sure that they're supported  
4 and make sense in light of the record that we put  
5 together for the project.

6 We filed a 68,000 page application  
7 with the FERC, there's lot of good information in  
8 there, it's easy to find. So let's make sure all  
9 the facts are out, let's make sure that we're  
10 making good decisions.

11 That's the direction that Duke  
12 intends to go. Thank you for a few moments of your  
13 time. For those of you that have started this  
14 process with us back in 2003, thank you for your  
15 patients and hanging in there with us and thank's  
16 for being here tonight.

17 One more thing. You probably seen  
18 this brochure before. This is a condensed summary  
19 of what's in the CRA. They're at, on the tables at  
20 the back of the room at each door, so please help  
21 yourself.

22 MR. MURPHY: I just wanted to give a  
23 quick explanation of what would be inconsistent  
24 between our DEIS and the CRA. In many cases what  
25 we had to do in order to make it a FERC document

1 was by abide by our statutes and regulations, and  
2 one of those is that we can't do an analysis of  
3 anything longer than a 30 year license in an  
4 environmental document.

5 So the stipulations that were put  
6 in, depending on a 50 year license, could not be  
7 analyzed that way. We don't stipulate measures on  
8 term license. Term license is the last thing which  
9 I'm -- based on all the measures that are required.

10 The thing such as funding for  
11 agencies, we're not included as licensed articles  
12 because we can't require the State of North  
13 Carolina to accept money. We can't -- We don't  
14 have the authority to do anything. There's a  
15 regional part that we do believe needs to be  
16 protected.

17 I think the way it was proposed was  
18 to give it in a lease to the state, believe North  
19 Carolina, could be South Carolina, but we can't  
20 require the state to sign a lease, and so we had to  
21 say "no" to that particular wording for that  
22 requirement.

23 Basically what we're doing right now  
24 is pushing and hole in a peg in a round hole with  
25 all shapes and all sides amending them around that,

1 and we felt -- After Duke and the stakeholders what  
2 we're doing right now will be to assist us in  
3 making the hole in the peg match a little bit  
4 closer.

5 With that, we're gonna actually run  
6 microphones out to people and we're going to start  
7 with Ken Koth.

8 KEN KOTH

9 MR. KOTH: My name is Ken Koth and I  
10 live at Lake Wateree and I participated in the  
11 stakeholder initially in the process as  
12 representative for a business interest who operates  
13 a business down stream of Wateree Dam, and I  
14 participated for several years, but before the end  
15 of the process, I resigned from that job, that  
16 business, and so I was no longer representative for  
17 that business. And I did not sign the CRA, but I  
18 did participate in the process for several years.

19 I've lived on Lake Wateree since  
20 1995. When the Draft Environmental Impact  
21 Statement came out I read the summary, and then I  
22 went on line to the FERC library and I read some,  
23 you know, some of the document, but I did not read  
24 all of the document, 'cause it was very long.

25 Overall, I think FERC has done an

1       admirable job of analyzing the issues and offering  
2       recommendations. And I believe that the process  
3       that Duke enacted and administered was a good  
4       process, I mean I participated in it for several  
5       years, and it encompassed many issues, many beyond  
6       where my interest were or actually even the company  
7       that I represented at the time what their interest  
8       were, and I think it was a good process.

9                        I'd like to comment on the Lake  
10       Wateree flooding issue tonight, and specifically on  
11       the bladder dam, and that we recommend it as a  
12       solution to the flooding issues.

13                      The stakeholder process identified  
14       high level of Lake Wateree as a problem and an  
15       issue, and the committee that was involved in that  
16       commissioned the study, and that study I think  
17       effectively identified the problem, the issues, the  
18       frequency and some solutions.

19                      You know, there's a three-page  
20       summary in the Draft Environmental Impact Statement  
21       that's, you know, a pretty good summary of  
22       everything that went on. The summary did offer --  
23       it stated that there were basically two options  
24       that were developed, one was a 40,000 cubic foot  
25       per second flood relief or flood gate option, which

1       this study developed as a good solution that  
2       alleviate most of the flooding problem.

3                   I don't believe anything would  
4       totally alleviate all of the flooding problem. I  
5       mean Mother Nature is a touch thing to deal with  
6       from an engineering standpoint, but the 40,000  
7       cubic feet per second flood gate was the outcome of  
8       that study.

9                   And the summary basically makes the  
10       statement and says that a 40,000 cubic foot flood  
11       gate option versus a 10,000 cubic foot per second  
12       option was not supported by the Resource Committee  
13       that was advising Duke. And when I read that, I  
14       felt like I missed something, because like I say I  
15       participated in a lot of the process and I really  
16       don't like reading -- I was aware of what was going  
17       on.

18                   I called some other people who were  
19       involved in the process and I said, have you read  
20       the statement, this doesn't sound right. And  
21       several of us talked about it and agreed that,  
22       yeah, that didn't sound right.

23                   So what I believe actually happened  
24       was Duke came and proposed -- and this is from my  
25       recollection of the process, proposed a 40,000

1 cubic foot per second flood gate at Lake Wateree,  
2 and this was proposed as part of the agreement, and  
3 it was not perceived positively by many groups that  
4 were in the stakeholder process, and ultimately  
5 this became the 10,000 cubic foot per second  
6 option. And I understand this was a negotiated  
7 process. As Mark described, I mean this was kind  
8 of part of the process and coming up with the  
9 relicensing agreement.

10 But I don't believe that the  
11 Resource Committee ever recommended that 40,000  
12 cubic foot per second option was not justified.

13 I've gone back in the last week and  
14 read all of the -- I've reread the report, reread  
15 the operation Resource Committee Report that's  
16 available on Duke's website, and I can't find that  
17 statement there. So I really don't believe that's  
18 what happened.

19 And now we come down to, you know,  
20 what's the right solution there. The 40,000 cubic  
21 foot per second flood gate, it was identified by  
22 the study as the right solution. It'll solve the  
23 minor flooding problem on Lake Wateree, and it'll  
24 solve a lot of the more serious flooding problems  
25 on Lake Wateree.

1                   Flooding doesn't occur very  
2 frequently. Hydro-power licensing occurs less  
3 frequently than flooding, and I just -- I just  
4 think that it would be worth your time to go back  
5 and take one more look at this and make sure you  
6 get it right. Thank you.

7                   MR. MURPHY: Sarah Williams.

8                   SARAH WILLIAMS

9                   MS. WILLIAMS: My comments are  
10 directed to FERC, too. Thank you for recognizing  
11 the many shortcomings of Duke's Comprehensive  
12 Relicensing Agreement. You have really listened to  
13 our concerns and made good recommendations. I have  
14 never been prouder of our Federal Government.

15                   Duke tried to unload their operating  
16 and maintenance cost on struggling local  
17 governments and resource agencies. Thank you for  
18 putting the cost associated with access areas back  
19 squarely where they belong, on Duke.

20                   Duke refused to set aside any land  
21 for a park on the east side of Lake Wateree in  
22 Kershaw County. Duke agreed to give the County  
23 money for access area improvements, but told the  
24 County to buy its own land for a park. This is  
25 typical of Duke. Instead of conserving land for

1 future use, they put money in a land conservation  
2 fund. Sounds good, except it's useless if the land  
3 is not available.

4 What you might not know, is while  
5 the relicensing process was taking place, Duke sold  
6 the available land to Greenwood Development  
7 Corporation. Thankfully, Greenwood sold the County  
8 land for a park. So I think Duke should have to  
9 come up with their own land for an access area on  
10 the east side of Lake Wateree. I commend you for  
11 recognizing the need for more access on the east  
12 side of Lake Wateree.

13 Thank you for supporting the bladder  
14 dam on Lake Wateree without the 50 year license  
15 stipulation. The 10,000 cubic feet per second  
16 bladder dam would help, but the 40,000 cfs, the  
17 original Duke recommendation, would really  
18 alleviate the historical flooding of Wateree, due  
19 to being the last lake in the chain. Please push  
20 Duke one step further to the 40,000 square foot  
21 square feet per second bladder dam.

22 I need your help in making Duke see  
23 that you cannot protect our rivers and lakes by  
24 stopping at the project boundary. Duke's project  
25 boundary is not independent from the watershed

1 surrounding it. That in a nutshell is the fatal  
2 flaw in Duke's environmental protection. Our water  
3 and rivers are far too important for that kind of  
4 thinking. Fifty years ago this may have been  
5 acceptable, but not in today's world of water  
6 scarcity.

7 Duke must step 50 feet beyond their  
8 project boundary with buffers in the entire dam  
9 system to truly protect our water quality, water  
10 quantity and wildlife habitat.

11 Duke could require shoreline buffers  
12 for dock permits, but Duke flatly refuses. More  
13 bad logic, Duke collects a fee from each dock  
14 permit to enhance the woody debris instead of just  
15 protecting the shoreline with buffers in the first  
16 place. This needs to change and you can change it.

17 Then there is the Shoreline  
18 Management Plan that looks good on paper, but  
19 offers very little environmental protection. What  
20 little protection the plan offers, up to the  
21 project boundary, is not even enforced.

22 Duke lacks the energy, manpower and  
23 leadership to really protect our water resource.  
24 Instead of patrolling for infractions, they sit  
25 back and wait for residents to complain. When they

1 finally get around to investigating the complaint,  
2 then they hide behind the confidentiality of their  
3 action or as in most cases, lack of action. This  
4 greatly reduces the effectiveness of the  
5 enforcement when the consequences are not made  
6 public.

7                   During the relicensing process, Duke  
8 told stakeholders many times, "we will not do that,  
9 but you can tell Duke, oh, yes, you will."

10                   You are our last hope for meaningful  
11 environmental protection. I am counting on you,  
12 don't back down. And I say again, you have made me  
13 proud of our Federal Government. Thank you.

14                   MR. MURPHY: Walter Riggan.

15                   WALTER RIGGAN

16                   MR. RIGGAN: My name is Walter  
17 Riggan, I've been on the lake for about 35 years,  
18 been there permanent since '88, and we've been  
19 flooded many, many times. I worked with Duke  
20 Power, I know just about every employee that's been  
21 down to Lake Wateree.

22                   Several years ago, back before they  
23 had a tower down there for the -- to tell the guys  
24 where to go to if we didn't have 911 -- and they  
25 had to go by map numbers, and we'd be flooded down

1       there. Had two residential electricians down there  
2       at the time and they would have to holler at me  
3       across there and say, where does so-and-so live,  
4       say that they have Section 3628 mixed up with a  
5       section, another section with 28, and they have 'em  
6       across, and they would be trying to find out where  
7       to go to. So finally I -- they put radios down  
8       there, a tower, so we're for that.

9                       And we have a lot of shelf field air  
10       force places -- planes coming there. And I was  
11       afraid one of them was gonna hit that tower, so I  
12       talked with them and got them to put lights on the  
13       tower. So since then I asked them to take them  
14       towers out, and I got guys that's -- use that, and  
15       I see one on the Fairfield side find out how to get  
16       it across the lake, and the lights out, they'll  
17       call them and say hit the light again. So they  
18       changed guys and about three, about a month they  
19       didn't have a light in it. What I'm just trying to  
20       explain to you, how long I've been working with  
21       Duke Power.

22                      And I retired with DuPont for 36  
23       years electrical engineer, and I worked with them  
24       the last -- with Duke Power, and they asked me to  
25       work with them, and I've tried to help them if I

1 can.

2 So we had 40 outages in one year and  
3 they come down there and tell me and put a little  
4 box in my bedroom. For two years it was a blip on  
5 it -- we'll call you. Two years they didn't call  
6 me at all. Said my wife said, get the thing out of  
7 here, and I threw it in the trash.

8 So I called Phil Williams, and not  
9 Phil is at that time -- then I had Baker come down  
10 and he said your problem is is wire running through  
11 these trees. Say we don't factor on pruning these  
12 trees anymore. I believe we electronic -- we don't  
13 trim trees. So I come up five and I'm 21 -- come  
14 to -- see trucks trimming trees, go to shocks and  
15 them trees. So I wrote a letter to Charlotte,  
16 Ms. Ruth and they come down there and they trimmed  
17 all these and they done all that stuff. So I know  
18 all them people.

19 We didn't have an outage for two  
20 years. And that's why I -- when I called  
21 Charlotte, I'm on that list. I'm on what you  
22 called it, on that list, tell you to do whatever  
23 you want done down there, so.

24 Now, since our last meeting in  
25 Camden we had about 300 people there, and I got up

1 and proposed cutting 2 feet off the dam. And I got  
2 a letter here, I'll read, but before that, I have,  
3 I have a letter from 1976 from -- to Clyde  
4 Williams. That was from L.C. Dail, Chief Engineer  
5 with Duke Power and R.S. B-h-a-t-n-a-g-a-r, Senior  
6 Engineer, and it goes on to tell that the dam was  
7 built in 1919 so forth and so on. And it says on  
8 that note "The dam was raised 6 feet in 1925 with  
9 no change in generator capacity to accompany the  
10 increased head." And so when we had FERC -- Duke  
11 Power come down after Hugo and met with us at Fine  
12 Arts Center in Camden, South Carolina, there, a  
13 Mr. E.O. Ferrell, Vice President of Operation, he  
14 told us at that time that they had built the dam in  
15 1925, '26 when it was, and that they built it to  
16 give 'em back pressure, and it did not give 'em  
17 back pressure, and it would be no problem cutting  
18 two feet off the dam. And I proposed it at the  
19 last meeting in Camden and sent a letter and all  
20 stuff to Ms. Ruth at that time, and I got a letter  
21 back from Mr. Ernest M. Oakley, which I think just  
22 spoke. But in that it told me that it couldn't be  
23 done because of all the problems that it create,  
24 and it needed a water from 98 feet.

25 And I've been there all these years

1 and I've never seen them keep it at 98 feet. And  
2 had floods and goes to 106, 107 like Hugo. It goes  
3 over the dam a 100 feet. It gets as soon as they  
4 can, they get it back down to 97, which is normal,  
5 between 97 and 98. If they would just take 2 feet  
6 off of that dam, if you get that bladder, and I  
7 don't understand the letter anyway because I have  
8 no -- Nobody has never told me how many bladders it  
9 would take or where these bladders was at, and is  
10 any in any way high speed -- and they still don't  
11 have control of it when it's calm down.

12 So that's my thinking, and -- Just  
13 one minute, let me --

14 I'm trying to find a letter with  
15 writing on it. But I have two page, two books here  
16 with levels and everything and the reading is from  
17 when it started in 1919 and most of 'em come out on  
18 up, and I got 'em up-to-date. Anything that's over  
19 98 feet, I record it.

20 So, but I was told that the  
21 generators with -- they would have to keep it 98  
22 because they give that -- they got more output and  
23 everything like that, and but that's not true.

24 My mouth is getting dry. Taking  
25 medication. I just had ear surgery yesterday and

1 thinking about it -- it's giving me a fit.

2 But it went on to tell that, in this  
3 letter, that I had -- my wife and I had attended  
4 two meetings, and -- which we did, but Duke Power  
5 has never had a stakeholders meeting since that one  
6 in Camden. In fact, after Hugo back in 1989, they  
7 had meetings with these groups and things and a --  
8 but they never had the stakeholders in.

9 We founded it by word of mouth and  
10 went to a couple of 'em and made some comments  
11 about the -- I made one about the, ah -- when they  
12 were putting in piers, tagging the piers and said  
13 that they was gonna keep 'em up -- to keep their  
14 piers -- the par that they would tell them give us  
15 the letter to have so many once -- to give them up  
16 to date.

17 And after Hugo we had one cross my  
18 cove there -- 10, 11 years with the pipes posted up  
19 and nothing on it and they didn't do -- didn't live  
20 up to what they said they was gonna do about piers  
21 -- spending money for a pier permit, but after I  
22 said that they got -- the next day they started  
23 getting somebody to take those posts up which is a  
24 hazard -- somebody gone get killed.

25 And that's the kind of thing I'm

1 concerned with because we get flooded every time.  
2 We spent 13 -- my wife and I -- spent 13 days  
3 burning after one in 2007, all of the debris and  
4 trash was then. But, you know, they don't care  
5 about that. They just want just generate power, so  
6 they got -- but it's not true, they're not losing  
7 on anybody by cutting two feet off the dam. Thank  
8 you.

9 MR. MURPHY: Rebecca Wodder.

10 REBECCA WODDER

11 MS. WODDER: I, too, would like to  
12 commend FERC for hearing us. It was evident in  
13 your document that you did hear us and we  
14 appreciate that, particularly on the -- Probably  
15 everybody here is gonna say something about flood,  
16 and the fact that the flood issue and the bladder  
17 dam are no longer tied to your license was  
18 something we were very glad to hear.

19 Flooding is a problem -- I've lived  
20 on Lake Wateree on and off most of my life partly  
21 as a part timer when I was young and now I'm a  
22 permanent resident. And flooding is a real issue  
23 because it covers roads, some people don't even  
24 have access to their homes, damages boats and other  
25 property that's anywhere on the shoreline, docks

1 are, as this gentleman just said, frequently torn  
2 up from the flooding. And then like that septic  
3 tanks and septic drain fields so that when you have  
4 a big flood you have a water fog issue as a result  
5 of the floods covering the septic and drain  
6 systems.

7 I'm delighted that, as I said that  
8 the process will allow for the dams, the bladder  
9 dam not to be connected to a 40 year license, to a  
10 50 year license, excuse me. But I would like to,  
11 also, like my comrades here, plead for you to go  
12 with a larger bladder.

13 When we first heard about the Duke  
14 proposal that would actually, pretty much alleviate  
15 the flooding on Lake Wateree, everybody was excited  
16 and delighted, and then those of us who were not  
17 part of the process never knew exactly what  
18 happened to that, but later on we heard that the  
19 amount of water that could be released was reduced  
20 to one-fourth of what the original proposal was.  
21 And this, as I understand it, will cut down on the  
22 number of minor floods that we have, and that's  
23 great, but it won't do much to help the major  
24 flooding events. And my concern is that if you cut  
25 down the minor floods but you don't do much to help

1 the major floods, really what you just done is  
2 increase complaisances, and the more complaisant  
3 people get, the more stuffed end up in areas where  
4 it's gonna be damaged when the flood does come  
5 along, and people get where they enclose the bottom  
6 of their homes -- they're in the flood plains and  
7 then they're in a flood, and then get a big one and  
8 everybody is in serious trouble. So we would like  
9 to encourage you, please consider an option of an  
10 equivalent of a flood gate which would alleviate  
11 our problems with a larger bladder dam. Up above  
12 us, as you know, the other lakes do have flood  
13 gate, so they open 'em there and then we're  
14 flooded.

15 I'm also a neighbor, besides being a  
16 resident of co-keeper organization which is a  
17 volunteer group that's associated with the Catawba  
18 River Foundation. And what we do to try to look  
19 for events that could effect the lake. And that is  
20 -- water quality. In doing that we look at what's  
21 going on on the shoreline. And I want to commend  
22 Duke, the shoreline in your plan is excellent, it  
23 has all the right things in it to protect the  
24 project boundary, which is the only protection that  
25 we have along shoreline.

1                   We have some counties that, I guess  
2                   probably people wouldn't disagree if I said they're  
3                   a little backwards in trying to get them to have  
4                   zoning that would protect a buffer is somewhere  
5                   between difficult and impossible. So about the  
6                   only real regulations that protect the shoreline  
7                   are in a shoreline management plan. And as  
8                   co-keepers we often see violations of the Shoreline  
9                   Management Plan, it's frequent. And I have to  
10                  commend Duke there again that they're responsive  
11                  when we called them and say that there's something  
12                  going on. If it's in progress, they're able to  
13                  stop it sometimes, but it doesn't take a bulldozer  
14                  more than about 50 minutes for 'em to completely  
15                  damage an entire shoreline. So often by the time  
16                  they're able to inspect it, the damage is done, and  
17                  it's no way of stopping whatever has happened.

18                  So it's been our understanding from  
19                  them that normally what they do is ask people to  
20                  restore the area. But in my time as co-keeper,  
21                  which is since the beginning of our organization  
22                  several years ago, I have never seen a restoration,  
23                  not one. And my other co-keepers will share the  
24                  same experience that there appear to be no  
25                  consequences for violating the plan. And if

1       they're no consequences, then there's no way to  
2       encourage others to stick by the rules either.  
3       Either they're not well understood.

4                   And one of our projects has been to  
5       try to have public awareness and have people  
6       understand what the guidelines are, but we're a  
7       little small volunteer agency and that's a large  
8       job. So what I would ask would be that Duke would  
9       have a role in that educational process; that they  
10      would take a greater responsibility for ensuring  
11      that folks are aware of what the rules are, and  
12      that they would also have some demonstrated  
13      consequence for the rule breakers.

14                   Once the shoreline is damaged, it's  
15      generally gone for good, and that's, that's a giant  
16      loss for the quality of the lake and for the  
17      quality of habitat around it.

18                   Thank you for listening and thank  
19      you for being here tonight.

20                   MR. MURPHY: Maurice.

21                   MAURICE BLACKBURN

22                   MR. BLACKBURN: I'm Maurice  
23      Blackburn, I'm with the Carolina Canoe Club. And  
24      the -- I was present at the meeting this morning  
25      and I gave my reasons why I thought that one of the

1 items in the DEIS was unjustified; that that was  
2 the requirement for ramping of recreation flows  
3 prior to the target time and ramping them down  
4 afterwards. Now, I don't intent to belabor that  
5 point at this particular time, so I have my  
6 comments in writing.

7 What I did want to bring up though  
8 is if Duke is required to implement this type of  
9 regulation, which isn't in the CRA, any other items  
10 that aren't in the CRA, it's going to destroy a  
11 very carefully bound document. We spent a long  
12 time negotiating and discussing what was  
13 appropriate for the entire region, and we came up  
14 with what we thought was an excellent balance.

15 There are many people in  
16 organizations who are counting on the CRA to be  
17 implemented as was written. We had a very eloquent  
18 presentation this morning by two people from Great  
19 Falls, the Mayor and Glinda, who pointed out how  
20 heavily they're dependent upon some of the outcome  
21 of this relicensing to help them to reestablish --  
22 well not to reestablish, to establish a strong  
23 tourism in Great Falls.

24 The problem is once we start  
25 changing one part, somebody else has to lose.

1 There's a limited amount of money, and certainly  
2 there's a limited amount of water.

3 We spent a long time trying to  
4 decide what the balance would be. We tried to take  
5 and consider the entire region. We felt we did  
6 well, reasonably well in coming up with a good  
7 balance, and we would certainly urge FERC to get as  
8 close as humanly and as legally possible to the  
9 original CRA. Thank you.

10 MR. MURPHY: Gary.

11 GARY FAULKENBERRY

12 MR. FAULKENBERRY: Good evening, I'm  
13 Gary Faulkenberry and I represented the Lake  
14 Wateree Association in the relicensing process.  
15 And as members of that relicensing process, the  
16 Lake Wateree Association is a signatory on the  
17 Comprehensive Relicensing Agreement and recognize  
18 and support it, because the CRA does represent  
19 collective thoughts and actions of many people for  
20 many, many, many years.

21 First, I would also like to thank  
22 you, the FERC, for listening. I know it was not  
23 easy to listen to the number of people who spoke at  
24 the scoping meeting in the lower basin, but these  
25 people sincerely had issues they wanted to try to

1 describe to you. And obviously you did listen and  
2 you have responded as evidence by what's included  
3 in the DEIS on our historical flooding issue.

4 There is, however, in reviewing the  
5 DEIS, and Ken Koth referenced this earlier, one  
6 particular fact that I'd like to make sure is  
7 clarified. And my comment tonight would be with  
8 the intent in sharing that FERC makes its final  
9 decisions based on correct information, and  
10 therefore I'd like to submit the following  
11 clarification.

12 In at least two places, first in  
13 Section 3.3.2.2.1, page 110, and then again later  
14 on page 112, I have -- will give you the sheet that  
15 gives the exact wording, but there's a reference to  
16 the fact that The Resource Committee, it was  
17 charged with evaluating alternatives for  
18 alleviating the flooding on Lake Wateree had a  
19 consensus that the cost for the 40,000 CFS capacity  
20 not meeting \$600,000.00 was not justified by the  
21 low frequency and flood elevation on Wateree.

22 The Resource Committee reference was  
23 the wateree high water level management study team.  
24 In the final report from that team it states and I  
25 quote, "addition of approximately 40,000 CFS

1 spillway capacity, plus changing the Gate Operating  
2 Rule was required to significantly reduce the peak  
3 reservoir level at Wateree."

4 "This team was charged with  
5 evaluating alternatives to best accomplish  
6 capability, and concluded that the bladder dam  
7 concept was the best alternative considering cost,  
8 installation time, installation process, et cetera.  
9 The Resource Committee never made a statement..."  
10 concern...justification." They left that to Duke  
11 and the other stakeholders.

12 "Duke Energy considered the Resource  
13 Committee input and developed a proposal for  
14 installing a 40,000 square foot bladder dam at  
15 Wateree as the right action needed to properly  
16 alleviate the historical flooding at Wateree.  
17 However, there were contingencies with that  
18 proposal such as is with the current CRA proposal  
19 linking it to a 50 year license.

20 During the relicensing negotiation  
21 process, there was considerable challenge from  
22 non-impacted stakeholders over the cost of this one  
23 item being so large. The unfortunate fact is to  
24 come up this issue at Wateree is a very costly  
25 undertaking. There is no low-cost solution. So

1 state agencies and other stakeholders felt that  
2 there were more important interests for using the  
3 money, the nine -- six figure referenced earlier  
4 that was proposed by Duke or the bladder dam.

5 It was only after considerable  
6 negotiation and listening to stakeholders that the  
7 proposal was changed to the current meeting listed  
8 in 10,000 CFS model, but it certainly has less  
9 alleviation of our flood events on Wateree.

10 I sincerely believe that Duke Energy  
11 wanted to take significant action to alleviate the  
12 flood issue for both small and large flood events  
13 on Wateree. The Wateree stakeholders agreed with  
14 other changes in the earlier negotiations, such as  
15 different flows, changing to a small turbine in the  
16 Wateree Dam, et cetera, believing that even though  
17 these were modeled to increase flood events on  
18 Wateree in the future by 3X, there would be  
19 consideration of flood relieve as part of the total  
20 package.

21 Duke Energy then proposed the 10,000  
22 version that would provide some relief for wateree  
23 flood impact, but also something would be  
24 acceptable to others who are not impacted as  
25 stakeholders. With no prior experience with

1 working with the FERC and recognizing the many,  
2 many other good items that were contained in the  
3 CRA, the Lake Wateree Association and the Wateree  
4 Homeowners Association of Fairfield County both  
5 signed as supported of the CRA.

6 Since the FERC in the DEIS seem to  
7 state the Resource Group recommendation as a key  
8 factor in its understand of the transition from the  
9 40,000 to the 10,000 CRS bladder dam, we wanted to  
10 make sure that this was clarified. Thank you.

11 MR. MURPHY: Morris Worthington.

12 MORRIS WORTHINGTON

13 MR. WORTHINGTON: Good afternoon,  
14 I'm Morris Worthington with Lake Wateree  
15 Properties. I've lived on Lake Wateree since 1987.  
16 I sold real estate out there since 1990, and my  
17 main interest to talk about tonight has to do with  
18 the flood relief program that FERC is involved in.  
19 Share a little bit of what I have experienced over  
20 the 20 years of selling property out there. So I  
21 just -- start off by saying that I asked to be  
22 apart of the stakeholders meeting with the Lake  
23 Wateree Committee Group when they first started  
24 their initial talks to represent interest on Lake  
25 Wateree was turned down because they said their

1 interest was already represented. So I hope that's  
2 the case, because we can always use different  
3 opinions if there is. There may not be any  
4 differences, but having someone that has and runs a  
5 business on Lake Wateree, involved in some of the  
6 decisions made out there would certainly help. And  
7 then I've also involve people that run marinas,  
8 contractors, construction work developers.

9                   When I -- and I know somebody might  
10 get to it, 'cause we were asked, you know, if we  
11 had any comments to make to address FERC on their  
12 new flood relief plan that as it means reducing  
13 future impacts on flooding. Need to express the  
14 need for clarification on FERC's new proposal on  
15 flood relief through changes to shoreline  
16 management plan declaring new flood zones, and  
17 through local government zoning that would  
18 potentially change the current requirements that  
19 impact building and development.

20                   What we're asking is just what the  
21 flood zone, what "flood zone" actually means and  
22 what does "FERC" mean that everyone used. Is it  
23 going to be one Duke Energy, 100 foot full time, is  
24 the first one, or is it Duke Energy's 110 foot  
25 flood easement that they have in their deeds, or is

1       it the 100 year flood level.  So I'd just like some  
2       clarification on that and how FERC sees it.

3                       I would like to know -- I think the  
4       existing rule is when it comes to setbacks as far  
5       as building and Duke increment deeds is 50 foot  
6       setback from full time, and that seems to be  
7       sufficient, and I just didn't know what ya'll know  
8       as being the existing rules as far as setbacks, and  
9       what FERC may be looking to do to perhaps change  
10      that, and how that would affect setbacks as far as  
11      new construction on Lake Wateree.

12                      Getting now to flood and what I've  
13      seen over the years.  Flood insurance when I first  
14      started selling real estate on Lake Wateree was  
15      about \$200.00 a year.  Now with some new policies,  
16      about \$2000.00 a year to have flood insurance.  
17      That certainly incurs more cost on people that are  
18      trying to build.  Also in foundations that have to  
19      be built, setbacks obviously is well, too.

20                      In the setbacks we follow, and I  
21      don't know if the Corp of Engineers did the mapping  
22      as far as flood maps on Lake Wateree, but I don't  
23      think there's been any new maps looked at Lake  
24      Wateree, and maybe the earliest maps are maybe  
25      1982.

1                   I know that things can change in  
2 flood ways and river basins to maybe help to where  
3 people don't have to build up so high, and  
4 therefore their cost of construction is much less.

5                   I would like to know if there has  
6 been any concerns about our dated flood maps, and  
7 would anybody do anything to update our flood maps  
8 to help us in those areas, if anybody has even  
9 looked into that or if there is a plan to update  
10 flood mapping on Lake Wateree.

11                  One, if we go in and we adjust the  
12 dam and add anything to it, I think that would  
13 certainly help and ease and make sure that the  
14 water would leave our river basin or our river  
15 faster. Therefore we wouldn't have to worry as  
16 much about flooding. That could perhaps help us in  
17 our flood insurance in setback requirements and  
18 some of those things, as well. So I don't know  
19 what agency I need to ask to look into that, but is  
20 there a possibility or has anyone looked into how  
21 that would effect us and maybe new mapping of our  
22 flood waters and our elevations. That's all I  
23 have.

24                  MS. CARTER: This is Kim Carter,  
25 FERC. I believe the agency that you would have to

1 speak with would be with FEMA, they do the flood  
2 insurance maps. So that's probably one source to  
3 start with.

4 As far as how often they update, I  
5 have no idea, I have no idea.

6 MR. MURPHY: The question of flood  
7 zone was brought up the other day. Somebody who  
8 gave a question last night. What we were talking  
9 about was the flood easement, not a flood zone or  
10 flooding zone, they're just the wording got slipped  
11 in there. Pencil or something, write that down.  
12 David Merriman.

13 DAVID MERRIMAN

14 MR. MERRIMAN: My name is David  
15 Merriman, and I'm the Catawba Riverkeeper with the  
16 Catawba Riverkeeper Foundation.

17 My predecessor, Donna Lisenby was  
18 intimately involved in the entire stakeholder  
19 relicensing process. That was before my time.  
20 Unfortunately I have come in in the past year and  
21 started reading through those 68,000 pages of  
22 relicensing documents. So while I'm still digging  
23 my way through FERC memos and good reports,  
24 continue to find some very interesting information  
25 regarding the Catawba River Basin and 13

1 hydroelectric dams that operate throughout this  
2 basin.

3 Thank you tonight for visiting our  
4 beautiful river basin again. If you have seen it  
5 in your travels from Morrisville to here to Rock  
6 Hill you did drive over it on I-77 and the water  
7 levels are up finally, so if it -- it means FERC  
8 coming to down and us actually having water, well.  
9 Just keep coming to town so we keep getting rain,  
10 but thank you for coming. And thank you, also, to  
11 the FERC for not directly rubber stamping Duke in  
12 its stakeholder CRA.

13 While the CRA should be permitted  
14 for the entire process, and Duke should be  
15 commended for their efforts to bring a wide array  
16 of stakeholders together to discuss many of the  
17 issues regarding Catawba and how it stands effect  
18 its flow. And the CRA did not address every issue  
19 that effects this river and its reservoirs.

20 In my efforts as the Catawba  
21 Riverkeeper my, part of my job is education, and  
22 one of the difficulties in describing the Catawba  
23 River is in fact explaining the fact that it is now  
24 a steps, a stairstep of reservoirs. And explaining  
25 to people that these different reservoirs or these

1 lake impoundments are now the Catawba River.  
2 Therefore, I find it very important within the CRA  
3 and in this entire relicensing process to make this  
4 river more of a river, and to make this river flow  
5 like a river, and make it not possible for portions  
6 of this river and it's impoundments to flow  
7 backwards or up hill as it does in many places  
8 along the basin because of intakes and outfalls.

9 Also, within comments from the  
10 Catawba Riverkeeper, we would like to address  
11 reservoir water quality. Throughout DEIS the FERC  
12 did mention many times that this was outside Duke's  
13 purview of reservoir water quality because many  
14 effects from outside the project boundary effect  
15 water quality within the reservoir. But I hope I  
16 don't need to remind The FERC that these reservoirs  
17 along the Catawba River were not there without the  
18 dams. Therefore water quality within these  
19 reservoirs is within the project boundary and water  
20 quality in these reservoirs is under the purview of  
21 the project boundary and therefore Duke Energy.

22 I also would like to stress the  
23 meeting, water quality standards under the Clean  
24 Water Act and under the 401 State Water Quality  
25 Certifications. I think it's very important that

1 at all times in the reservoirs and in the river end  
2 sections, the regulated river reaches that we  
3 maintain temperature and dissolved oxygen levels at  
4 all times to make sure our river organisms have the  
5 appropriate habitat for their life.

6 CRF we'll gladly and proudly  
7 elaborate and submit references supporting our  
8 positions regarding FERC's DEIS in writing before  
9 the deadline for written comments. So I would like  
10 to just make a note of that. And we also will be  
11 mentioning the ramping issue, along with many  
12 others.

13 As I mentioned, one of the important  
14 facts is we need our river to be a river, and with  
15 natural rain fall events we normally see a spike in  
16 river flows during a rain event, naturally, and we  
17 see a continuation of that flow on the down side.

18 Now, we've already heard many  
19 comments about the ramping before and after,  
20 whether they be for or against, but it is very  
21 important that our river act like a river, and that  
22 our flows go up when flow goes through, and that  
23 they at least attenuate on the down side or ramp  
24 down.

25 Thank you very much, and I will

1       gladly submit our comments before the deadline for  
2       written comments.

3                       MS. DAVIS - Chairperson

4                       MS. DAVIS: Hi, I am Libby Davis and  
5       I'm the new Chairperson for Lake Wateree  
6       Association. As Gary said we are a signatory of  
7       the CRA and support it as the basis for a new  
8       license.

9                       I want to thank you for listening to  
10       the citizens of Lake Wateree during the scope  
11       meetings last year. As you heard then and have  
12       heard tonight there is a serious need for flood  
13       control on Lake Wateree. When flooding occurs  
14       there's property damage, water quality issues, and  
15       some people are even stranded in their homes.

16                      Lake Wateree is already impaired to  
17       high nutrient levels and flooding only increases  
18       these levels.

19                      The people of Lake Wateree are  
20       depending on you to make a right decision for us  
21       during this lengthy relicensing process. Lake  
22       Wateree is home to the people who have come to Rock  
23       Hill tonight. They've taken time out of their busy  
24       schedules on a week night to come and speak to you  
25       again of their concerns. I ask that you listen to

1 all of us here and continue to make the best  
2 decisions for us and our quality of life.

3 MR. MURPHY: Linda Worthington.

4 LINDA WORTHINGTON

5 MS. WORTHINGTON: Hi, I'm Linda  
6 Worthington. I've lived with my husband on Lake  
7 Wateree since, I believe '87, and my husband and I  
8 own a business there.

9 Back of March of '07 when you held  
10 the meeting back in Camden, we had recently  
11 experienced a high-water event or a flooding event,  
12 so there were a lot of folks that were really  
13 excited and upset about what was going on.

14 Unfortunately we haven't had one in  
15 the last couple week. Well, I say unfortunately,  
16 maybe that's not the correct word, but I think it  
17 shows in our lack of people present here tonight,  
18 since there's probably a couple hundred that showed  
19 up in Camden that aren't here now, but it is still  
20 a very major issue on folks' minds.

21 And I haven't read through the CRA  
22 in full, I read through parts, which has been a  
23 couple years ago, so I may be a little fuzzy on  
24 some things that have happened over the last few  
25 years. I haven't read it, the DEIS document, but I

1 understand that from rumor I guess it is that FERC  
2 has come back to Duke Power and suggested that  
3 maybe they need to put in that bladder dam to help  
4 relieve flood control. But I heard you say earlier  
5 that FERC does not evaluate the needs based upon  
6 the term of the license, correct. So does that --  
7 What does that mean, does that mean that the  
8 bladder dam stays in there, then it's gonna happen  
9 or there's still a chance that it can be pulled  
10 out, is that -- that is a chance, okay.

11 MR. MURPHY: Our environmental  
12 document is our recommendations to the Commission.  
13 That they're recommendations at the end of it.

14 MS. WORTHINGTON: Okay. All right.  
15 Well, I believe Lake Wateree is the second largest  
16 reservoir in the Catawba chain; does that sound? I  
17 believe I read that somewhere recently.

18 And I was just curious, what is the  
19 flood control, the cubic foot per second of Lake  
20 Norman's dam or Lake Wiley's dam, and then this  
21 10,000 cubic foot per second versus the 40,000  
22 cubic foot per second versus a big fat zero if  
23 that's taken out on Lake Wateree if Lake Wateree is  
24 the second largest. We need flood relief there, as  
25 well, and I would like to know how -- what is

1 proposed, compared to what the other lakes along  
2 the chain. I'm sure that data is somewhere.

3 The other thing is -- I had a  
4 similar question of what my husband was asking.  
5 How does the flood control -- From the original  
6 CRA, I believe that they had talked about flood  
7 control which would result in reducing the size of  
8 one of the turbines at the lower dame which  
9 currently pulls water through in a high-water  
10 event. So if we didn't have the bladder dam, then  
11 by the reduction of that turbine, then the amount  
12 of water that Duke could actually pull through  
13 would be less than what we've had historically. So  
14 is that still the case. Is there or has it already  
15 been done?

16 MR. MURPHY: They haven't done that  
17 work.

18 MS. WORTHINGTON: They haven't done.  
19 But that is still the plan, so --

20 MR. MURPHY: Well it's the plan --  
21 they're saying it's the same as the bladder dam is  
22 the plan. They're still --

23 MS. WORTHINGTON: Okay. Well, I was  
24 just curious, these changes that we're talking  
25 about, the reducing -- I don't know when -- When

1 the flood maps were created and they just  
2 considered a engineer dam with no water being  
3 pulled through or what, what was taken into  
4 consideration when these flood maps were created.  
5 And how do these changes effect what the flood  
6 level should be. And I understand that that is a  
7 FEMA responsibility. And there are some areas of  
8 the lake that are not currently mapped by FEMA  
9 flood maps. But I think that that's something that  
10 certainly would be effected, because if you can't  
11 pull as much water through, then it seems like your  
12 flood plain should actually go up or if you can  
13 pull more water through, seems like your flood  
14 plain would go down. But I would like to see that  
15 addressed as part of this, as well. Then that's  
16 all that I had.

17 MR. WORTHINGTON: She said it better  
18 than I did.

19 MR. MURPHY: I just to say that my  
20 job was not to break the CRA and our analysis. We  
21 were like I said trying to fit that old beg into a  
22 circle.

23 Some things -- this is a draft.  
24 There will be changes. We go inspect your comments  
25 to come and the office makes adjustments. And

1 Brenda, you were the last person on the list. Was  
2 there anybody else that wanted to speak tonight?

3 MR. FAULKENBERRY: May I ask a  
4 question just for clarification. In the DEIS, FERC  
5 references an east boarderly recreation area  
6 needed. In the CRA the stakeholders had a plan, if  
7 you will, around the Kershaw County Park that Duke  
8 was gonna contribute funds or implementing  
9 developing that park that the county was securing  
10 plans for. Clarify for me, is that the same  
11 concept, is it a second recreation area, help me  
12 understand the difference between the CRA and the  
13 DEIS?

14 MR. MURPHY: There were some  
15 recreation areas that were not supposed to be  
16 within the project boundary. We were looking at  
17 them hard to see if they need to be within the  
18 project boundary. We actually pulled one that  
19 should be in the project boundary. It is a  
20 county-owned facility. I'm not sure if that sounds  
21 like the one that your talking about, Kershaw  
22 County. So that's a mistake that we're gonna have  
23 to fix in the DEIS. And part of that does go back  
24 to the idea of funding. We don't have any -- to  
25 that part if Duke isn't willing to -- We have to

1 figure out to work out another way of doing that  
2 for us to be able to put in a license. If they buy  
3 land and donate it or something, but I'm not sure  
4 I'm answering your question.

5 MR. FAULKENBERRY: Two, it's the  
6 same concept stated differently?

7 MR. MURPHY: Yeah. I think you guys  
8 -- we're trying to say that that needs to be  
9 brought in and that was a mistake on our proposal.

10 MR. FAULKENBERRY: Again, Gary  
11 Faulkenberry. One other question for  
12 clarification. Back to the 110 foot Duke flood  
13 easement as it relates perhaps to FERC  
14 recommendations of making changes to the Shoreline  
15 Management Plan to recognize some of those as quote  
16 "flood zones." And then working with local  
17 governments to perhaps change some zoning  
18 referencing the 110 foot.

19 What is the thinking there, does  
20 that mean that a structured footprint could still  
21 be in the 110 foot zone as long as it met the FEMA  
22 guidelines of being above the 110 foot flood plain  
23 or would that say that there just could be  
24 absolutely no "building" no foundation, no  
25 footprint within the 110 foot flood easement,

1       because gain on some of the many of the flat lots  
2       on wateree, that would be you could not have a  
3       residence on that lot somebody has bought.

4                   MR. MURPHY:   Can you help me with  
5       this one.  I'm not sure we have an answer for you  
6       tonight.  The person has worked on that part isn't  
7       here.  I don't remember discussing zoning at all.  
8       I saw the flood zone part.  I think it was just a  
9       mistake, shouldn't be saying flood easement and not  
10      to indicate we were suggesting zoning, although I  
11      may be wrong.  I have to go back and see if we  
12      discussed.

13                  MR. FAULKENBERRY:  Or reference to  
14      working with the county, that would lead one to  
15      believe that gets into zoning.

16                  MS. WORTHINGTON:  Brenda Worthington  
17      again.  And just keep in mind that not every deed  
18      out there on Lake Wateree has that flood easement  
19      in it.  There are were a number of large craft that  
20      Duke Power has never had ownership of that have  
21      nothing in their deed about a right to flood up to  
22      236 or 23625 whatever that was.  So I guess if you  
23      take what's in Duke's deed and you get the county  
24      to implement no building, just say that's what it  
25      turned out to being no footprint, on land that lies

1       within the 236.5, then that's gonna take a lot of  
2       properties around the lake that currently have  
3       houses on 'em, and if the houses are destroyed,  
4       they can't rebuild on 'em. I don't know what, how  
5       low your lot is. I know you were saying that you  
6       experienced flooding. But that would be, that  
7       would be a huge issue for a lot of people, a lot of  
8       property owners out there.

9                       MR. WORTHINGTON: Gary would have to  
10       build five miles off the lake.

11                      MR. MURPHY: Jeff, could you help me  
12       with this one?

13                      MR. LINEBERGER: The question is  
14       about the deeds. I'm Jeff Lineberger, I'm the  
15       Director of Project License, and I think Ms.  
16       Worthington is right, there, there are properties  
17       around Lake Wateree that Duke Power, Duke Energy,  
18       whatever our name has changed to over the years,  
19       never owned those properties. So we can't put an  
20       easement in the title of a piece of property that  
21       were never in the title for. So if what we were  
22       talking about was expanding the project boundary  
23       around the entirety of Lake Wateree, about 10  
24       vertical feet, there will be properties that are  
25       impacted that don't have that easement limitation

1 in 'em. So that would be, I think a major impact  
2 for the property owners around Lake Wateree.

3 MR. MURPHY: Did anybody else want  
4 to speak tonight?

5 MS. WORTHINGTON: I just recognized  
6 two other stakeholders, my kids sitting very  
7 patiently back here in the back. They love living  
8 on Lake Wateree.

9 BETTY RIGGAN

10 MS. RIGGAN: Let me say something.  
11 She was talking about the areas that Duke Power  
12 does not have sold the land, sold by individuals.  
13 In an area close to me, that is the case, Brenda.  
14 Beaver Creek Road right at Liberty Hill was  
15 privately owned, and it is my understanding that  
16 their deed calls for have way in the lake from  
17 their house. The water is deeded to them half way.  
18 And that comes from a person that lives there. And  
19 I'm quite sure that it is correct.

20 UNIDENTIFIED PERSON: Go to the  
21 river -- Go to the river. If the river is closer  
22 to your side, half way to that river is what I'm  
23 saying, not the lake.

24 MS. WORTHINGTON: I think it uses  
25 the run of the branch.



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C E R T I F I C A T E

I, Terence M. Holmes, a duly  
qualified and commissioned notary public within and  
for the State of Ohio, do hereby certify that at  
the time and place stated herein, and in the  
presence of the persons named, I recorded in  
stenotypy and tape recorded the proceedings of the  
within-captioned matter, and that the foregoing  
pages constitute a true, correct and complete  
transcript of the said proceedings.

My Commission Expires: \_\_\_\_\_  
July 28, 2012 Terence M. Holmes  
Notary Public - State of Ohio