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5 SMITH MOUNTAIN PUMPED STORAGE PROJECT :

6 FERC PROJECT NO. 2210-169 :

7 :

8 PUBLIC HEARING :

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APRIL 30, 2009

7:00 P.M.

1 APPEARANCES:

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FEDERAL ENERGY REGULATORY COMMISSION

4

Richmond, Virginia

5

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Coordinator, Office of Energy Projects

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BRENNAN SMITH, Water Resources Engineer

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ELLEN SMITH, Geologist/Hydrologist

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1                   The following cause is the Public Hearing  
2                   for APCO Project #P-2210-169, held at Franklin  
3                   County High School, Rocky Mount, Virginia on this  
4                   the 30th day of April, 2009.

5  
6                   MR. CREAMER: Good evening, everyone. If I  
7                   could have everyone grab a seat somewhere. Okay,  
8                   good evening. My name is Allan Creamer and I'm  
9                   with the Federal Energy Regulatory Commission, and  
10                  I would like to thank everyone for coming out this  
11                  evening. We are here to take comments on a Draft  
12                  Environmental Impact Statement that we issued for  
13                  the relicensing of the Smith Mountain Lake  
14                  project, and I'm not going to say a whole lot. We  
15                  have a lot of speakers, so I am not going to take  
16                  a lot of time because we only have about three  
17                  hours, so what I want to do first off is a couple  
18                  of housekeeping -- a couple of housekeeping  
19                  rules.

20                  The bathroom, if you are not familiar with  
21                  the high school, and I am not, but it was pointed  
22                  out to me, they are directly behind in the  
23                  corridor on the right-hand side. We have a court  
24                  reporter here this evening, and so what I would

1 ask is that all of the speakers, if you would  
2 please state your name, clearly state your name so  
3 she can make -- so she can get the record straight  
4 and not misspell any names.

5 I would also ask, as we go through this,  
6 that we keep the meeting congenial, which, you  
7 know, given the group, and I've been coming out  
8 here for four or five years, I don't think that  
9 will be a problem, but I have to say it, and I  
10 think with that, there are a couple of  
11 introductions.

12 I'm the only one here from FERC. John  
13 Costello was going to come, but he came down ill  
14 this morning and so he could not make it. We do  
15 have a couple of folks from our contracts staff  
16 over at the National Lab. Brennan Smith, he's the  
17 modeler; the one responsible for all of the  
18 project operations stuff, and then Ellen Smith is  
19 our erosion sedimentation person, and I'm actually  
20 a fisheries biologist by trade and I'm also  
21 project coordinator, so with that, we have 21  
22 speakers, and we're going to go down the list in  
23 the order that we have received them, so we will  
24 get started.

25 The first person is Jack Gautier. I don't

1 know if I pronounced that correctly.

2 MR. GAUTIER: "Gautier."

3 MR. CREAMER: And if you want to stay in  
4 your seat, we can bring microphones to you, but  
5 otherwise, I would ask you to come up front.

6 MR. GAUTIER: Good evening. Can you hear  
7 me all right? Good evening. I'm Chief Gautier  
8 with the Smith Mountain Lake Marine Volunteer Fire  
9 Rescue. Our volunteer department was charged in  
10 1975 when it became apparent to the residents of  
11 the lake they needed fire protection. Quick fire  
12 protection that had been available was cut off  
13 because of the (inaudible) road with Smith  
14 Mountain Lake field.

15 Our company documented its mission impact  
16 due to low water levels and submitted them. The  
17 Draft EIS dismissed our mission impact, saying  
18 that it lacked sufficient justification. DEIS  
19 reasoned that the water depths were sufficiently  
20 deep, 100 feet from shore, that boats grounding  
21 don't correlate with low water levels, and water  
22 levels always drop in the Fall. The Draft EIS has  
23 not disputed the accuracy of our data but  
24 questioned our explanations. I'm here to  
25 reiterate that our mission is negatively impacted

1 by shallow water, and that simply dismissing that  
2 fact without supporting analysis or rationale is  
3 not acceptable.

4 We would suggest a license article  
5 requiring the regular pump-back operations  
6 consisting of AEP's stated operations policy of  
7 maximizing reservoir levels, the levels on  
8 weekends, and regular pump-back on weekday  
9 nights.

10 We run approximately 450 -- 350 to 400  
11 calls a year, ranging from structure fires, forest  
12 fires, brush fires, and we have done 36 fires last  
13 year; boating accidents, including groundings, EMS  
14 on the water, and residential homes surrounding  
15 the lake and HAZ-MAT mitigation. 98 percent of  
16 all of the HAZ-MAT materials we have used over the  
17 last 35 years that have been on the water have  
18 been paid for by our volunteers, not by AEP, not  
19 by DEQ, but by our volunteers raising money to do  
20 it. We do fund drives, different community events  
21 like parking cars, anything that we can to raise  
22 money to protect the waters of Smith Mountain  
23 Lake.

24 We've spent volunteers' monies to clear  
25 debris when asked to by the Counties, such as

1 floating docks, trees, boats, jet skis, even a  
2 floating church when it broke away from its  
3 mooring and drifted several miles. All of these  
4 items are removed or secured at our expense,  
5 including the cost of the ropes, which, when you  
6 do several hundred of these, you know, every  
7 little thing adds up over 35 years.

8 I have recently sent crews out on the water  
9 at our expense to confirm that the items remain in  
10 the location we secured them in. This was so when  
11 AEP put the skimmer back in the water, that they  
12 would not waste any AEP's paid employees' time  
13 going to where we had reportedly secured these  
14 items two years ago to find out if they were gone  
15 or not. Who paid for this? Smith Mountain Lake  
16 for the second time. We manned the equipment to  
17 follow up on this request with our volunteers. We  
18 have paid for the boats, the motors, the fuel, and  
19 supplied volunteers so AEP's paid skimmer crew  
20 could save time.

21 Give us one good reason that AEP should not  
22 be responsible for annually funding the Smith  
23 Mountain Lake Marine Volunteer Fire Rescue.  
24 Please do not give us "they paid property taxes  
25 and now they have no responsibilities." We would

1 request an itemized list of taxes paid in all  
2 three counties by AEP, since that was the only  
3 reason given for not being responsible for any  
4 funding to our department.

5 Over the past year and a-half, we've lost  
6 two fires boats and they had to be replaced.  
7 These volunteers have taken on the task of  
8 replacing these boats and purchasing a third boat  
9 to extend fire and rescue protection on the lake  
10 at a cost of just under \$1 million. With  
11 insurance monies, Bedford and Franklin County both  
12 supporting us with \$150,000 each, we still have a  
13 remaining debt of \$500,000. AEP has been generous  
14 and donated six acres on the water for the  
15 location of our new fire house. That fire house  
16 would not be possible without this generous  
17 donation, and we greatly appreciate that. We have  
18 been serving on the lake for 35 years without any  
19 financial help from AEP. Fire boats need to be  
20 replaced every 20 years. With eight boats, we  
21 need to replace one every two and a-half years.  
22 That cost alone is \$133,000 annually, using  
23 today's fire boat replacement cost.

24 Bedford supports us with \$42,000 annually  
25 plus pays insurance on all of our equipment and

1           personnel. Franklin County supports us with  
2           \$20,000 annually. The average cost for operating  
3           the department for the past three years has been  
4           \$257,000 per year. The economy has slowed down  
5           and our donations were down 22 percent for the  
6           2008 fund drive. We feel it's time for AEP to  
7           partner with Smith Mountain, with us financially  
8           on an annual basis to support the mission of the  
9           Smith Mountain Lake Marine Volunteer Fire & Rescue  
10          to preserve life and property, promote public  
11          safety, and foster economic growth through  
12          leadership, management, and actions, as an all  
13          risk life safety response provider. Thank you.  
14          Any questions?

15                       MR. CREAMER: Thank you.

16  
17                       (Applause.)

18  
19                       MR. CREAMER: One of our housekeeping  
20          rules, I was remiss in saying, we have 25 speakers  
21          and we've got three hours, so if we can keep  
22          comments initially to three to five minutes, and  
23          then when we get done, if we have time at the end,  
24          we will come back and revisit and give people a  
25          chance to continue with their comments. The next

1 person is Bob Dowd.

2 MR. DOWD: Thank you, Mr. Creamer. Again,  
3 I'm Bob Dowd; I am Executive Director and Regional  
4 Planner with the West Piedmont Planning District  
5 that serves both Franklin and Pittsylvania  
6 County. I appreciate the opportunity to comment  
7 tonight. We are the equivalent of councils of  
8 governments in other states.

9 At the meeting on April 23, the West  
10 Piedmont Planning District Board of Commissioners  
11 approved a letter, a resolution, and attached  
12 report that supports and adopts the positions of  
13 the Tri-County Relicensing Committee, or TCRC.

14 We recognize that TCRC was established to  
15 consolidate the relicensing of the counties that  
16 overlay the area encompassed by the APCO Smith  
17 Mountain Pump Storage Project. We have routed the  
18 PDC's position with our detailed concerns to you  
19 directly, and also through the Virginia Department  
20 of Environmental Quality's DEIS review process. I  
21 will cite a few key positions that we support.

22 One, under "Recreation" issues, we support  
23 and would like to see assistance in the  
24 development of community recreation sites that  
25 provide the general public with access to

1 recreation and amenities that may be realized and  
2 enjoyed by the public's visit to the lake. We  
3 would like the focus to be here as well as on  
4 boating recreation, which the report talks a lot  
5 about. Basically, we would like to see more  
6 public swimming areas.

7 Under "Safety," we would like to see  
8 support for participation by APCO as a partner in  
9 providing for safety and emergency services  
10 provided by volunteer units such as the Smith  
11 Mountain Lake Volunteer Marine Fire & Rescue  
12 Company.

13 Under the "Debris" issues, TCRC recommends  
14 that the DEIS require that the debris management  
15 plan to be revised, and should be revised to  
16 include a process and capability to control debris  
17 within both reservoirs year-round and that the  
18 debris plan be modified to include some debris  
19 responsiveness on the part of the licensee, APCO.

20 Under "Erosion" issues, the wind and boat  
21 effects should have been considered in the  
22 project's original design, we think, and in my  
23 consideration, there is little merit in now  
24 saying, 50 years later, in 2009, that APCO is only  
25 responsible for addressing erosion to the degree

1           that the pump storage action causes bank erosion,  
2           when actually private property and substantial  
3           boat use has been allowed for decades on the APCO  
4           facility. What is the time?

5                     MR. CREAMER: You are okay so far. I will  
6           let you know.

7                     MR. DOWD: Thank you. As far as "Aquatic  
8           Vegetation" issues, APCO under its present and  
9           future license has the responsibility to protect  
10          and enhance recreational and environmental  
11          benefits. Consequently, it's both reasonable and  
12          necessary that APCO's rule in managing and  
13          controlling the aquatic vegetation be explicitly  
14          defined in the new license, as well as its shared  
15          financial role in the control.

16                    Also, treatment of invasive vegetation must  
17          occur whenever the infestation occurs, as well its  
18          shared financial role, and Item 3 is regular  
19          annual and conferences surveys must occur within a  
20          one mile radius of an infestation rather than  
21          being just limited to the beneficial use areas.  
22          These surveys must occur annually to ensure  
23          effective management and containment of the  
24          invasive aggressive aquatic vegetation.

25                    You will have to have an aggressive survey

1 and treatment program because you have an  
2 aggressive set of plant species at issue, and I  
3 will note that the South Florida case study is a  
4 good case study to look at because they've been  
5 battling this issue of hydrilla for a long time.

6 "Water Management," I will just mention  
7 that we would like to see the issue revisited of  
8 whether the minimum water level on Smith Mountain  
9 Lake could be raised from 787 to 792 and power  
10 generation of the Smith Mountain Lake limited when  
11 levels fall below the 792 level. We're concerned  
12 with the lake water quality, the recreational  
13 values, and the fishery with the advent of  
14 prolonged lake vitality, and thank you very much.  
15 I will give you a copy.

16 MR. CREAMER: Thank you.

17

18 (Applause.)

19

20 MR. CREAMER: Chuck Neudorfer.

21 MR. NEUDORFER: I've Chuck Neudorfer, and  
22 that is the usual spelling. This past Sunday, I  
23 attended the closing events of the Bass Masters  
24 Elite, Blue Ridge Brawl fishing tournament. I was  
25 impressed with the number of comments made by the

1 twelve tournament finalists about the quality of  
2 Smith Mountain Lake and its surroundings. They  
3 were very laudatory.

4 One described Smith Mountain Lake as the  
5 best lake in the United States. There were  
6 comments about how clear and clean it is; there  
7 were comments encouraging the protection of the  
8 lake for the future. These comments were echoed  
9 by the producers and staff organizing the event.  
10 They were made off stage as well as on stage, and  
11 therefore, they were assumed to be not made for  
12 political purposes, and they are planning to come  
13 back next year, so they like what they saw.

14 These comments give the local citizens and  
15 governments surrounding the lake much pride in  
16 what has been achieved by our efforts to protect  
17 and maintain the lakes in this project over the  
18 years. These results did not come by chance. It  
19 has taken a lot of work and money to achieve  
20 them.

21 There are three organizations deeply  
22 focused in protecting and maintaining these  
23 lakes. They are the Tri-County Lake  
24 Administrative Commission, the Smith Mountain Lake  
25 Association, and the Leesville Lake Association.

1 TLAC is a government organization  
2 representing the surrounding counties' interest in  
3 lake matters. Smith Mountain Lake and Leesville  
4 Lake Associations are citizen organizations.

5 TLAC was created about eight years ago.  
6 Over the past eight years, TLAC has received  
7 funding in the amount of approximately \$2.4  
8 million from the local counties surrounding the  
9 lake, a little over \$118,000 from regional  
10 governments such as Roanoke County, Roanoke City,  
11 Vinton, etc., \$339,500 from state government  
12 agencies, \$29,500 from the Federal Government, and  
13 \$23,000 from APCO, which represents about one  
14 percent of what the counties have put into the  
15 pocket.

16 These monies were used in the following  
17 ways: From 2000 to 2008, a little over \$328,000  
18 for maintenance of the navigation system. From  
19 2002 to 2008, approximately \$224,000 for aquatic  
20 vegetation surveys and treatment. From 2000 to  
21 2008, about \$401,000 for debris removal and  
22 disposal, and from 2001 to 2008, about \$150,000 of  
23 the funds received from the state agencies were  
24 passed directly to the Smith Mountain Lake  
25 Association for water quality monitoring. TLAC

1 receives approximately 1,500 citizen volunteer  
2 hours of support each year.

3           Smith Mountain Lake spent \$122,000 in 2008  
4 on lake management issues, of which \$25,000 was  
5 provided by APCO. Smith Mountain Lake estimates  
6 that they receive approximately 8,000 citizen  
7 volunteer hours each year for lake maintenance.  
8 Leesville Lake over the past six years has  
9 received \$70,700 from local government. They will  
10 be getting \$25,000 from the state. They raised  
11 approximately \$58,000 from citizens as donations,  
12 and they have received \$9,500 from APCO. They  
13 estimate that they use about 1,400 volunteer hours  
14 on their projects.

15           In addition to the financial contributions  
16 noted above, APCO operates the skimmer which is  
17 shared between the two lakes during the summer  
18 months for debris removal. APCO places a  
19 contributing value of \$250,000 on the skimmer.

20           I believe that it is clear that the  
21 maintenance and protection of the lakes in the  
22 Smith Mountain Project have been borne by the  
23 citizens and the counties of this area. We look  
24 forward to having APCO as a larger partner in this  
25 effort during the new license period. However, we

1 do have some continuing concerns about the  
2 proposed and accepted levels of effort for APCO  
3 described in the draft document.

4 For example, TLAC is currently spending an  
5 average of \$41,052 per year on the navigation  
6 system maintenance. The drafts suggested \$10,000  
7 per year from APCO. Now that hydrilla has been  
8 identified in the Smith Mountain Lake, it is  
9 absolutely necessary to conduct an aggressive  
10 campaign to ensure that it does not get out of  
11 control. The draft document is unclear as to the  
12 requirements placed on APCO to address this  
13 issue. Statements such as, quote, "off license  
14 agreement of unspecified scope," close quote, are  
15 of concern.

16 The draft document overlooks the fact that  
17 the citizens of Smith Mountain Lake at their own  
18 expense have placed an estimate of \$1 million in  
19 shoreline protection within the project boundary,  
20 and there is no requirement for APCO to provide  
21 protection on their own lands. The draft document  
22 recognizes that TLAC on several occasions has  
23 spent more than \$100,000 to contract for tree  
24 removal after a major storm event while APCO  
25 spends \$250,000 to operate the skimmer. This

1           should raise the question whether the expenditure  
2           of \$250,000 in this way is the most efficient and  
3           effective use of the money, or if there was a  
4           better way to handle debris.

5                       We will continue to provide our comments  
6           before the deadline on May 11, these being some  
7           examples.

8                       We call these lakes the Jewel of the Blue  
9           Ridge. We ask that folks step back and look at  
10          the treasure we have and assure adequate support  
11          for that is within the new license to help to  
12          preserve it. Thank you.

13

14                               (Applause.)

15

16                               MR. CREAMER: Thank you, Chuck. Larry  
17          Iceman?

18                               MR. ICEMAN: I'm Larry Iceman, President of  
19          the Smith Mountain Lake Association, and thank you  
20          to the FERC for allowing me to speak on behalf of  
21          SMLA. Actually, Kristina Mize, our Vice  
22          President, will follow, and together, our comments  
23          will suffice as the total SMLA comments.

24

25                               First of all, I will talk about various  
                              subjects and headline each subject. First of all,

1 I would like to speak about the Technical  
2 Committees. We think that the technical  
3 committees proposed in the draft proposal are a  
4 good approach, and we support that. However, we  
5 feel that the process needs definition regarding,  
6 for example, when technical committee meetings are  
7 called, and there is a need to define how  
8 decisions will be made, for example, a majority  
9 vote, and a report also supplemented with the  
10 minority report is one suggestion from SMLA.

11 We also feel a dispute resolution process  
12 is needed. We desire to resolve our disputes  
13 locally, as an interim step with ultimate  
14 resolution upon appeal to FERC. We know that you  
15 have ultimate decision making authority. Another  
16 concern is that there are so many technical  
17 committees mentioned in the draft agreement that  
18 it may be overly time demanding for all.

19 The next subject, Water Safety. SMLA  
20 supports maintaining the lake water level at a  
21 minimum of 792 feet level for enabling adequate  
22 safety. This recommendation was made by SMLA  
23 after review and due consideration of the facts  
24 and information provided by the Coast Guard, the  
25 Water Safety Council, and the SML Marine Volunteer

1 Fire & Rescue who you heard from previously  
2 tonight. SML suggests that due consideration was  
3 not made in the draft agreement and requests that  
4 FERC reconsider this information. The position  
5 that SML safe water level is at and above 787 foot  
6 level is incorrect and unsafe.

7 With regard to Water Management Plan, SMLA  
8 questions the validity of the cited \$1.4 million  
9 cost to keep an extra foot of water in SML rather  
10 than in Leesville Lake. We are requesting again  
11 that a plan be required in the final operating  
12 license to pump back the full equivalent of the  
13 two foot discharge to SML every evening.

14 With regard to Aids to Navigation, we  
15 propose the basis for navigation markers is to  
16 provide identification of the safe water within  
17 the main channel and safe access and egress to and  
18 from the main channel. This is even more critical  
19 at low water levels, and that is -- that occurs,  
20 of course, during the summer months when traffic  
21 is the heaviest.

22 SMLA requests that the FERC require all  
23 shoals, bridges, bridge supports, and any other  
24 hazards, especially at low water levels, be marked  
25 with both signs designating the location and

1 lights in the nighttime. Additionally, these  
2 markers must have ongoing maintenance in order to  
3 prior continuous, uninterrupted safety.

4 With regard to Aquatic Vegetation  
5 Management Plan, in the proposal, it is stated to  
6 have AEP identify a procedure for consulting with  
7 adjacent landowners before conducting spot  
8 treatment of invasive weeds. We would request  
9 that the word "consulting" be changed to the word  
10 "notify;" otherwise, potential landowners could  
11 block required treatment to control invasive weeds  
12 which is better for the overall health of the lake  
13 and everyone around.

14 SMLA requests also that AEP's  
15 responsibility be broadened to include  
16 identification and treatment of invasive weeds  
17 wherever and whenever they are located throughout  
18 the SML lake and shoreline, not just at public  
19 access locations, as stated in the draft  
20 agreement.

21 With regard to "Water Quality Monitoring  
22 Plant," SMLA wants to continue to be involved, and  
23 we thank the FERC; we want to work with AEP to  
24 have the most efficient and effective program  
25 utilizing our current volunteers and in

1 collaboration with Ferrum College and its  
2 certified testing laboratories, and there is very  
3 few of them around the country.

4 We are requesting clarification be added  
5 with regard to the use and meaning of the word  
6 "consistent" when stating in the draft agreement  
7 that monitoring water quality on Smith Mountain  
8 Lake be consistent with the current program  
9 implemented by SMLA.

10 With regard to "Shoreline Management Plan,"  
11 the five-year reopener language needs definition,  
12 as to the FERC intent for that process and for the  
13 stakeholders and how public input is gained.  
14 There are times where inconsistent requirements  
15 are made of lake front property owners by AEP  
16 under the SMP, but the counties and DEQ, this can  
17 create confusion, extra cost, and time delays. We  
18 suggest that this issue be addressed by FERC. An  
19 example of what I mean is the SMP requirements are  
20 at times inconsistent with low impact development,  
21 best management practices which are supported by  
22 SMLA for the help of the lake, and also supported  
23 by some developers. That needs to be looked at.

24 Additionally, we are very aware that SMLA  
25 members are upset, frustrated, and in some

1 instances, angry about the implementation of SMP.  
2 We know this from a survey that was handed out and  
3 returned at our annual meeting at the end of the  
4 March forum.

5 I for the sake of time will not go into  
6 those details; those will be included in our  
7 written comments before May 11, and also discussed  
8 verbally with AEP. This is the first half of our  
9 comments. Thank you.

10

11 (Applause.)

12

13 MR. CREAMER: Thank you, Larry. Kristina?

14 MS. MIZE: I would also like to thank you  
15 for this opportunity to speak on behalf of the  
16 Smith Mountain Lake Association. To continue our  
17 concerns, as Larry Iceman was listing for you,  
18 we're also concerned with the erosion monitoring  
19 program, because though we support that  
20 remediation is necessary in some instances where  
21 there is significant erosion, we don't agree that  
22 we can just dismiss this as being attributable to  
23 the presence of lake water and boats.

24

25 The boats, of course, are related to  
recreation and recreation is a responsibility in

1           the lake stewardship portion of the licensing to  
2           AEP to run the lake. We request that the process  
3           decides what remediation would be required would  
4           be better defined, defining both the means and the  
5           measures for conducting and completing the  
6           remediation, to apply remediation standards equal  
7           to all erosion susceptible properties to below the  
8           800 foot level and also to consider the major  
9           concern of the many islands which are endangered  
10          right now by erosion and the fact that the loss of  
11          those islands would impact not only recreation and  
12          public enjoyment but also wild life and fish  
13          habitats that are essential to the health of our  
14          lake.

15                 To address the sedimentation monitoring  
16          plan that is in the proposed plan, we're concerned  
17          that the main river and lake channels and the  
18          access to them be kept open to facilitate safety,  
19          recreation, and public enjoyment. Looking forward  
20          to some recreation and public access sites in the  
21          future if the sediment continues to build the way  
22          it has been and continues unabated, we will loose  
23          the access.

24                 There are great concerns on the upper  
25          Roanoke River, on the upper Blackwater near

1 Ponderosa, the upper Gills Creek and Lynnville  
2 Creek and Beaver Dam. In particular, on the upper  
3 Roanoke, at Bay Roc Marina, two years ago, there  
4 was dredging to give customers access to the gas  
5 dock, and the silting is already beginning to  
6 impede that to the larger boats.

7 Also, there is issues of ramp access and  
8 access to other marina facilities, such as  
9 mechanical services, rest room facilities, food  
10 and beverage, etc.

11 The habitat management plan, as proposed,  
12 we support developing the additional fish habitats  
13 if we can justify the needs and the cost that this  
14 would contain. However, they need to be more  
15 defined with more clear parameters. We're  
16 concerned that if we create fish habitats, it may  
17 impede problems for boaters limiting the access to  
18 and from their docks, and also it may cause  
19 hazards for swimming, water skiing, and enjoying  
20 the lake if these new habitats are not properly  
21 anchored, maintained and marked to show us such,  
22 so parameters, we feel, should be developed for  
23 the construction of these fish habitats and have a  
24 broader technical committee than suggested within  
25 the Draft EIS.

1                   We propose that AEP, the Virginia  
2                   Department of Game Inland Fisheries, the Smith  
3                   Mountain Lake Association as well as the Leesville  
4                   Lake Association and members from representative  
5                   fishing clubs join in the development of these  
6                   fish habitats.

7                   We are, of course, supporting, applauding,  
8                   and are very pleased to see the proposal for the  
9                   recreation management plan within the enclosed  
10                  EIS. We understand the need for and fully support  
11                  additional and upgraded toilet facilities to  
12                  enhance water quality, increased parking  
13                  facilities, and the fact that all of this would  
14                  help to build our economy and tourism. We do  
15                  have, however, concerns and hope that there will  
16                  be plans in place to support the maintenance and  
17                  the hygiene of these facilities as they are put in  
18                  place.

19                 Last but not least is the debris management  
20                 plan. As we come up on our Take Pride in Smith  
21                 Mountain Lake this Saturday, we all know that  
22                 debris can be a hazard to boaters and swimmers and  
23                 anyone recreating on the lake. We're concerned  
24                 that the debris management plan not only cover the  
25                 main channel but also all of the tributaries to

1 the main channel.

2 As debris has potential to float about and  
3 move with the changing tides of the water and the  
4 changes in the dam flow, wind storms, boat waves,  
5 and daily fluctuation levels all move this debris,  
6 so we do need to be concerned and pay attention to  
7 the hazards of navigating the main channel and the  
8 egresses to and from. The presence of debris and  
9 the hazards it creates on a year-round basis  
10 require a more year-round management program, and  
11 that concludes the comments from the Smith  
12 Mountain Lake Association. Thank you.

13

14 (Applause.)

15

16 MR. CREAMER: Thank you. William Brush?

17 MR. BRUSH: Again, thanks for hosting the  
18 meeting and taking comments; you've been good  
19 about that. You know, I've been involved with  
20 this process since it began. Tonight I'm speaking  
21 on behalf of TCRC, and I would like to say that  
22 the Draft Environmental Impact Statement is a very  
23 comprehensive document that gallantly attempts to  
24 address the issues. That was for you, Allan.  
25 Nevertheless, some of the recommendations need a

1 little bit more work. TCRC is preparing detailed  
2 written comments on the DEIS, so rather than go  
3 into those in detail, I will briefly touch on some  
4 of TCRC's major concerns.

5 Shoreline erosion has and is -- has, is,  
6 and will continue into the future. In fact, in  
7 Leesville, we expect it to increase significantly  
8 as recreational boating increases. The only way  
9 to control it is to protect the shoreline. We  
10 were pleased to note that the DEIS recommends  
11 "annual monitoring with remediation, as  
12 required," but "as required" is left to the  
13 discretion of the Erosion Technical Committee. We  
14 would like to see a little bit more explicit  
15 requirements in this area.

16 Please also recall or consider that Smith  
17 Mountain Lake residents have armored over 1.5  
18 million feet of eroding shoreline to prevent  
19 inundation and loss of property, and in today's  
20 dollars, that has already been mentioned; using  
21 the \$65,000, that is \$100 million, and it's  
22 improving the integrity of the project and  
23 improved its water quality.

24 As far as we know, AEP has yet to armor  
25 even one foot, even though they own or control the

1 entire shoreline.

2 Sedimentation is a major problem with every  
3 hydro project in the country. Perhaps this is why  
4 the DEIS chose to pass on a problem that simply is  
5 too big to solve. Smith Mountain Lake entrapped  
6 over 70,000 acre feet of sediment in 40 years,  
7 enough to bury this high school and all 4.6 square  
8 miles of Rocky Mount under 23 and three-quarter  
9 feet of sediment.

10 We need to understand the sources of  
11 sediment so we can devise methodologies to reduce  
12 it. AEP's expert consultant admitted he didn't  
13 know, so how can we then -- so how can the DEIS  
14 conclude that land disturbance in the watershed is  
15 the larger source of project sedimentation when  
16 the DEIS cites no other analysis? The answer is  
17 clear. Without further study, no one really  
18 knows.

19 TCRC prefers empirical data, not a modeling  
20 result, especially when no one really understood  
21 the model, its inputs, or how the inputs were  
22 manipulated, so TCRC will be proposing additional  
23 study of the main tributaries similar to the  
24 required study for the Staunton River.

25 The Draft Environmental Impact Statement

1 continues to propagate the myth that 787 feet  
2 water level is safe for Smith Mountain Lake. A  
3 level of 787 feet virtually eliminates all boating  
4 access, so the lake would be very safe if it were  
5 not for rescue and fire obligation to public  
6 safety. DEIS did not dispute the water level's  
7 impact; it simply ignored it, so TCRC recommended  
8 a level of 792, the level at which fire and rescue  
9 operations begin to be impacted.

10 AEP modeled the raising of the minimum  
11 water level would cost an average of \$1.4 million  
12 in loss annually. Alternatively, our knowledge  
13 shows that this would be more likely to be  
14 \$200,000, so we ask, is \$200,000 too high of a  
15 price for public safety? We don't think so.

16 TCRC recommended restoring a more natural  
17 flow to the lower river to benefit the native  
18 fishery and to expand the range of the endangered  
19 Roanoke logperch to its former habitat. Our state  
20 resource agencies saw no benefit to natural flows,  
21 and the DEIS similarly concluded, "We find no  
22 basis for expecting a natural flow regimen would  
23 enhance populations of rare/declining native  
24 species, including the logperch."

25 We disagree, as does the vast majority of

1 the scientific community. Even the Instream Flow  
2 Needs Study shows that most species of interest  
3 would gain habitat under a more natural flow  
4 regimen. Also, the DEIS notes that the logperch's  
5 populations that do exist in free flowing  
6 unregulated streams that surround the project  
7 outside of the area of project influence.

8 The world's foremost logperch expert  
9 recommended that natural flows would likely  
10 benefit this endangered species, and our  
11 understanding of this act is, given any doubt that  
12 project operations are impacting the endangered  
13 species, the benefit of that doubt is given to the  
14 species. We think that the DEIS needs to reassess  
15 its position and enter into a formal consultation  
16 with USFWS, the U.S. Fishery & Wild Life Services.

17 Lastly, the expansion and improvement of  
18 public access proposed by the recreation plan is a  
19 very positive change. However, the DEIS focuses  
20 almost exclusively on boating at the expense of  
21 public swim beaches. Not everyone has the  
22 financial wherewithal to own or rent a boat.  
23 There are only two public beaches on Smith  
24 Mountain Lake and both reach capacity during  
25 summer weekends. TCRC recommends that the

1 property designated for future expansion on Bull  
2 Run begin development as soon as possible to  
3 address the swim beach deficiency. Thank you.

4

5 (Applause.)

6

7 MR. CREAMER: Thank you, Bill. Russ  
8 Johnson?

9 MR. JOHNSON: Good evening. For the  
10 Record, my name is Russ Johnson and I'm the  
11 chairman of TCRC, which is the committee that  
12 represents the four local governments and all of  
13 the citizens who comprise the area that we know as  
14 Smith Mountain Lake and Leesville Lake. We made a  
15 commitment to our citizens that we would do our  
16 best to see that these two lakes and the view  
17 sheds that surround them would be protected and  
18 available for generations and at least in an "as  
19 is" or better condition. Tonight I'm here to ask  
20 for your help. Tonight I'm hear to ask you to  
21 make changes in the DEIS, and tonight I'm hear to  
22 ask you that when we provide you four new pieces  
23 of information in our filing, that you take a  
24 serious look at it and perhaps change some of the  
25 positions you currently hold.

1                   I have four issues, and I could spend at  
2                   least an hour on each one, which I know would make  
3                   you all very excited, but because other speakers  
4                   have addressed them, I will go rather quickly.

5                   Issue Number One: TCRC has made four  
6                   attempts to reach a local settlement with AEP. As  
7                   to our role, and their role, and the care and the  
8                   maintenance of Smith Mountain Lake and Leesville  
9                   lakes, today we have not been able to do so. Our  
10                  next meeting, by their choice, is in July.

11                  Now, we've read the Commission's policy on  
12                  hydro power relicensing settlements and we have  
13                  structured our positions to be consistent with  
14                  your policy, and yet, we have failed to reach a  
15                  post relicensing agreement. We have heard the  
16                  Commission say many times that it encourages local  
17                  settlements. If this is true, I ask for your  
18                  help. Ask AEP to move up their timetable and to  
19                  move up the level of their executive involvement  
20                  in our discussions.

21                  Now, it may turn out that we will not reach  
22                  an agreement, but it is important for you to know  
23                  that we are trying, and it is important for our  
24                  citizens to know that we are trying. At this  
25                  point, I must tell you that you should not proceed

1 with any elements of the Draft EIS that implies or  
2 requires a relationship which is not in place.

3 Issue Number Two: After reading the Draft  
4 EIS, we have many questions, and you have heard  
5 most of them tonight. First of all, we are asking  
6 you to rewrite the section on the technical  
7 committees. The technical committee operation  
8 that you describe in the EIS is not one that we  
9 have experienced ourselves, so we think that the  
10 best thing to do in the post relicensing stage is  
11 to rewrite it so that it is specific as to roles,  
12 responsibilities, decision making, and resolution  
13 differences. This effort will serve you well in  
14 the long run, and it will serve us well in the  
15 long run to know exactly what the ground rules and  
16 standards are.

17 We're also asking you to re-examine again  
18 your larger responsibility for AEP playing a role  
19 in the sedimentation, invasive weeds, and in  
20 support of marine fire and safety. We will file  
21 for you four new documents, and we hope that you  
22 will be able to look at those documents and  
23 perhaps change your ideas as to the decisions  
24 you've already made.

25 We're asking for clarification on debris

1 removal as there is some question as we read it as  
2 to whether debris is to only be removed in the  
3 main channel or it is also to be removed in the  
4 sides or whether it's removed by a category called  
5 "define the hazard" as to boating safety, and it  
6 will be helpful if you would define that hazard  
7 for us.

8 At this time, we are not ready to support a  
9 30-year license, and before we can tell you that  
10 we are ready to support a 30-year license, we will  
11 have to see what happens in the response to the  
12 Draft EIS, and we are -- in terms of striking or  
13 not striking a working arrangement with AEP.  
14 While you have not said yet that there will be a  
15 30-year license, and we know that, we just simply  
16 assumed it by looking at the fact that you used  
17 30-year calculations in some of your work. Heck,  
18 as far as we're concerned, it could be a four-year  
19 license; what we're looking for is to strike a  
20 relationship which we are willing to earn so that  
21 this lake and this watershed is protected. That  
22 is what is important to us.

23 Now, you heard the comments on the  
24 management plans, and so let me quickly jump over  
25 to the fourth comment. On several occasions, you

1           have made the statements that the Commission does  
2           not expect -- or the statement that the Commission  
3           has not decided on this topic before it, or that  
4           the Commission does not want to change its  
5           policy. With all due respect, we believe the  
6           rationale that the Commission does not want to  
7           consider change is a very unfair box to put our  
8           needs into and then to try to throw them away.

9                        Isn't every project unique to you? Aren't  
10           there times and circumstances where change is  
11           called for? As we speak, sedimentation is  
12           limiting public access, navigation, impacting  
13           water quality, and safety on both lakes. It's  
14           time to re-examine the Commission's view of the  
15           cause and treatment of sediment and erosion. I  
16           will ask you, now that the Commission does not  
17           want to address this issue is somewhat bewildering  
18           when you look at the very words they wrote in  
19           Article 41, which requires the licensee to enhance  
20           recreational, environmental, and aesthetic parts  
21           of the project.

22                        These are the Commission's own words.  
23           Once, what was not considered is to be  
24           considered. Once, what was not policy is to  
25           policy. This is how we evolve and this is how we

1 continue as living proof. It is our request that  
2 the Commission re-look at its decision,  
3 particularly in sediments, erosion, and invasive  
4 weeds, and finally, we, the counties, have filed a  
5 request to withdraw our 25 MGD of water withdrawal  
6 for future committee drinking purposes. We  
7 documented that need.

8 Prior to the study, the amount was changed  
9 to 12.5 MGD. The study was done, and the study  
10 found that the amount of water withdrawal would  
11 not be negligible in terms of any negative effects  
12 on the project. We followed the process. The  
13 study was conducted and clearly demonstrated that  
14 withdrawal of that amount of water for community  
15 drinking purposes was justifiable in terms of no  
16 negative impacts; yet, the answer given to us was  
17 the Commission does not choose to revisit its  
18 policy of one MGD per day withdrawal, so I ask you  
19 tonight again, in the spirit of asking for help,  
20 help us to strike a relationship with AEP, help us  
21 to change the DEIS so that we can understand it  
22 and follow it, and help us to ask our Commission  
23 to view things that perhaps traditionally it has  
24 not viewed, not because of the purpose that we  
25 want a different outcome, but because of the

1                   purpose that it is fair and right that they do  
2                   it.

3

4                                   (Appause.)

5

6                                   MR. CREAMER: Thank you, Russ. Wayne  
7                   Mize?

8                                   MR. MIZE: Good evening, I'm Wayne Mize of  
9                   Bay Roc Marina; thank you for this forum. In the  
10                  past year there have been many public statements  
11                  that have minimized the impact of low water  
12                  levels, sedimentation, erosion, and invasive  
13                  vegetation on the residents, businesses, and the  
14                  recreating public in and around a Smith Mountain  
15                  Lake and Leesville Lake.

16                                  We hear what might happen, might happen if  
17                  the water levels go below 792 feet, sedimentation  
18                  and erosion continue unabated, and vigorous  
19                  treatment of vigorous aquatic weeds is not  
20                  pursued. Folks, it's already happening in some  
21                  parts of the lake. For the past two years, public  
22                  access to some marinas and public ramps, fuel,  
23                  food, and water, first aid, toilets, service  
24                  assistance, and yes, even rental slips have been  
25                  impeded. Last August and September, Bay Roc

1 Marina was brought to a literal standstill when  
2 the water level was at six feet below full pond.

3 In 2007, to maintain public access to our  
4 facility, we went out of pocket for over \$30,000  
5 in dredging, but we're not permitted to dredge  
6 deeper than six feet below full pond, and yet we  
7 hear proposals for water levels at or below 787  
8 feet. We're also witnessing erosion of banks and  
9 islands even in areas that have significantly  
10 lower boating traffic than Dodge's at Bridgewater  
11 and below, and to be unconcerned about the weeds  
12 is inviting real trouble.

13 I personally witnessed an entire lake  
14 rendered unusable because of invasive aquatic  
15 vegetation, so the net result, no access to  
16 facilities and services above Indian Point. That  
17 is a 13 mile stretch of the lake. Reduction of  
18 revenues from rentals, fuel, food and beverage,  
19 marine services, slips and rentals and retail  
20 sales and taxes, reduction in employment,  
21 curtailed navigation of boat launching and damage  
22 to boats and engines. If you think not, come see  
23 us. This is real, and it's happening, it's  
24 happening now, not maybe, not sometime in the  
25 future. Help us remediate these issues. Thank

1           you.

2

3                           (Applause.)

4

5                   MR. CREAMER: Thank you. Don't sit down;  
6 you are next, Bob Camicia.

7                   MR. CAMICIA: Thank you, Allan. The mike  
8 is a little bit taller than me. Wayne is a little  
9 bit taller than me.

10                  MR. BRUSH: Everybody is taller.

11                  MR. CAMICIA: Thank you, Bill, you can be  
12 quiet now. My name is Bob Camicia, and I'm a  
13 member of the Board of Directors of the Tri-County  
14 Lake Administrative Commission, or TLAC, as it's  
15 affectionately called, and I'm also the chairman  
16 of TLAC's environmental committee. I have a few  
17 comments on the Draft Environmental Impact  
18 Statement with regard to the debris and the  
19 submerged aquatic vegetation plans.

20                  In general, we are certainly willing and  
21 ready to go ahead with those plans, but we do have  
22 several things that need to be looked at before  
23 the final -- before they are finalized.

24                  On the debris issue, there are three issues  
25 that the FERC needs to review before finalizing

1           those plans. The plan refers to removing debris  
2           that is a boating hazard, and that is referred to  
3           in several places throughout the plan. What  
4           constitutes a boating hazard is something that  
5           needs to be defined, because a boating hazard is  
6           not necessarily a small branch in the lake, but it  
7           is a major hazard if you are a tuber or a water  
8           skier in the lake, so we think that the whole  
9           hazard thing needs to be redefined and relooked at  
10          what is called a hazard to recreation, because we  
11          want to improve the recreation and we want to make  
12          sure that everybody enjoys it, not just the  
13          boaters.

14                 Since boating actually occurs on this lake  
15                 on a year-round basis, on actually both Leesville  
16                 and this Smith Mountain Lake, and APCO only has  
17                 one skimmer that serves both lakes, we recommend  
18                 that the debris management plan be modified to  
19                 include a requirement that a process and  
20                 capability to control debris within the reservoirs  
21                 appropriately be put in place year-round. That  
22                 certainly doesn't mean that we expect that there  
23                 will be a lot of water skiers out there in  
24                 January, but we think that we have to look at  
25                 year-round use of the lake because in fact it is

1           used heavily year-round.

2                       The final issue on the debris plan is that  
3 we feel that a timely response clause needs to be  
4 put into the final plan, since APCO's skimmer, and  
5 we all love the skimmer, is used in both the  
6 Leesville Lake and Smith Mountain Lake, it's  
7 unavailable by definition much of the time in  
8 either of the two lakes. In fact, when a resident  
9 calls in and has a large item of debris, like a  
10 tree, or a big log, they are immediately asked to  
11 tie it up to the dock, if it is a small one, or to  
12 the adjacent shoreline, so that it can be  
13 retrieved later.

14                      Well, if you have got a 30 or 40-foot tree,  
15 like I do right now; I have a 50-footer that is  
16 tied up, you may not have enough shoreline outside  
17 of your dock to be able to tie it up, and if you  
18 are in a cove, none of your neighbors will have  
19 room to do it, too, so what happens? The tree  
20 continues floating down the lake, and off it  
21 goes. If you do tie it up, and this has happened  
22 several times, it may be six months, it may be 18  
23 months before it actually gets retrieved and  
24 hauled away, so we feel that there needs to be a  
25 level of performance, if you will, for whoever, in

1 fact, does the work in the end that debris needs  
2 to be -- if it can't be tied up, it needs to be  
3 retrieved immediately, and if it's going to be  
4 tied up, that there be some reasonable amount of  
5 time for that to happen.

6 Let me move over to the submerged aquatic  
7 vegetation now. This microphone want to go up  
8 higher. I'm too short for it. The submerged  
9 aquatic vegetation plan, and comments that came  
10 back in the Draft EIS, made us realize that maybe  
11 we didn't make some of our points real clear,  
12 because the Draft EIS really didn't get at the  
13 points, if you will. I will mention some here,  
14 and, of course, we will follow up with this in  
15 detail in writing, but the first thing was the  
16 nexus between license requirements and the SAV,  
17 the aquatic vegetation infestations in the lake.

18 It is basically the license requires AEP to  
19 provide recreational aspect, which they have  
20 done. They've provided ramps around the lake,  
21 they've allowed marinas to build ramps throughout  
22 the lake and then we wind up having a lot of weeds  
23 come into the lake. In 2002, we discovered our  
24 first SAV in the lake, and that was discovered  
25 adjacent to two of the DTIF ramps.

1                   Then, in 2007, we found hydrilla, and that  
2                   was adjacent to a marina ramp, so the -- so the  
3                   implementation, if you will, in the license  
4                   requirements, this basically resulted, as you  
5                   would expect, in people being able to come into  
6                   the lake and some of those people brought bad  
7                   things. It's not anybody's fault, but that -- but  
8                   that has happened. We've gone from just a couple  
9                   of places on this lake where we've had SAV in  
10                  2002; this past year, we had 70 locations where we  
11                  have mainly hydrilla, so it's not something that  
12                  is going away by a long shot, and it is related,  
13                  as we see it, definitely into the license  
14                  requirements.

15                  The Draft EIS does not recognize the threat  
16                  of two of these vegetations of SAV, particularly  
17                  hydrilla, and I know that Wayne referred to a  
18                  lake, and I'm very familiar with that lake also,  
19                  that looked like a golf course, basically, by  
20                  August of each year; hydrilla can shut a lake down  
21                  quicker than you can blink.

22                  Approximately, and this may surprise some  
23                  people, approximately 35 percent of the shore --  
24                  of the surface area of Smith Mountain Lake is at a  
25                  depth where hydrilla will grow. Over a third of

1           the lake is susceptible to hydrilla. Most people  
2           tend to think this is a very deep lake, so we  
3           don't have that problem, but it's not all a very  
4           deep lake, so we've got a third of the lake that  
5           is susceptible to it, and it has very, very high  
6           potential for significantly reducing the  
7           recreational opportunities because once hydrilla  
8           gets started, you cannot get a personal watercraft  
9           out through it; you can't get a boat out through  
10          it. It is just -- it just locks you up, so it is  
11          a major issue that has been in our view played  
12          down or really not given much play, if you will,  
13          in the DEIS, and we would ask that you go back and  
14          take a look at that.

15                 In fact, the Virginia Department of Game &  
16                 Inland Fisheries recently identified invasive  
17                 species as a critical state-wide conservation  
18                 issue that needs to be looked at.

19                 The DEIS also included an item that the  
20                 Department of Game & Inland Fisheries, after a  
21                 work group discussion had been completed, and in  
22                 looking at it, we felt that there was one  
23                 unnecessary, although there is a need to do some  
24                 things, it was -- and it could cause a significant  
25                 hardship on any agency that is charged with doing

1 the SAV treatment on the lake.

2 The organization -- basically, the  
3 organization asks, and it has been mentioned  
4 previously, that APCO should identify a procedure  
5 for consulting with adjacent landowners before  
6 conducting spot treatments. I don't know how you  
7 can consult with hundreds of people. You know,  
8 remember, we've got 70 different sites; the year  
9 before, we had about half that number, and every  
10 year, it goes up and up and up. You can't really  
11 consult with people.

12 We have -- we utilize within TLAC  
13 government approved and best management practices  
14 for all of the chemicals that are used, and we use  
15 only very well checked out and highly recommended  
16 licensed applicators, so we would propose that we  
17 do what we currently are doing, and what is done  
18 around the country generally, and that is all the  
19 docks, or a letter be sent to the homeowners  
20 wherever we are treating, so that the homeowner  
21 knows that they are there, if there is a hazardous  
22 condition that they need to know about, but  
23 consulting with everybody is -- we would have to  
24 hire an army of people and we would never get  
25 anything done, so those are our comments. We will

1           have more, send them to you, and I thank you very  
2           much for listening to us. We appreciate the  
3           process that we've been involved in.

4

5                           (Applause.)

6

7                           MR. CREAMER: Thank you. Thank you, Bob.  
8           Kimberly and John Preterio.

9                           MRS. PRETERIO: Hi, my name is Kim Preterio  
10          and I live on Gills Creek at the lake, and my -- I  
11          really hadn't planned on talking here tonight  
12          because I am going to send a letter to FERC  
13          regarding the DEIS and hope that they will  
14          wholeheartedly at least consider the information  
15          that I sent to them, but there are a couple of  
16          points I would like to make.

17                          First off, it was good to see that the FERC  
18          did acknowledge that the main reason for the  
19          filling in of the cove in Gills Creek is due to  
20          the project operation. It clearly said that, and  
21          I was very surprised that the information that  
22          came together, that I had sent months before that,  
23          had actually been looked at pretty well. From  
24          that, I read a little further down, and when I got  
25          towards the end of the DEIS, I saw that that

1           really didn't matter a whole lot, because the  
2           staff at this point in time believes that they  
3           should just let -- is recommending that they just  
4           let the coves fill in.

5                        I think that is a sad thing, at this point  
6           in time, that the decision is to let the coves  
7           fill in, and in this particular case, we're  
8           already at a level of 792, so we hardly have water  
9           at all as it is, only when it's at 795, and that  
10          is not fair for a few reasons.

11                      One is the battle that continually goes  
12          back and forth between AEP and the counties as far  
13          as who is responsible for the sediment that enters  
14          the lake outside of the compound, which is the  
15          inlet areas, and I think that after 40 years of  
16          the landowner, which is AEP taking no action  
17          whatsoever to minimize either the amount of  
18          sediment that is coming in or to remove it once it  
19          does make it in, and they can just simply say,  
20          it's not my problem, that the State has said that  
21          the counties are in charge of monitoring water  
22          quality, water run off and those things, and all  
23          they are doing is blaming each other, and the  
24          people who are suffering are the people that live  
25          there.

1                   As a landowner, AEP has accepted the  
2                   sediment that has come into the lake at the inlets  
3                   by the sheer fact that they've made no effort to  
4                   insist that it be mitigated before it enters into  
5                   the compound. Just because they have allowed it  
6                   to come into the compound to damage their property  
7                   does not give them the right to damage mine. The  
8                   sediment that comes in at the inlet is picked up  
9                   when the water is -- when the lake is drained,  
10                  that sediment is picked up, moved through the cove  
11                  and out, and when the water is pumped back in, the  
12                  sediment is moved from the entire lake back  
13                  against the cove, back by my house and in the cove  
14                  to the inlet, hits the wall, and then pumps it  
15                  right back up and deposits it in like an island  
16                  just as you would try to get out onto the main  
17                  lake. It cuts off the passage of all of the  
18                  homeowners on water to get to the main lake at  
19                  all, and, in addition, our deed says that we have  
20                  riparian rights to the water, and my understanding  
21                  is that the court's decision is riparian rights  
22                  mean that you have the right to the entire body of  
23                  water, and at this point in time, we don't have  
24                  that. From probably the end of June or July all  
25                  the way to January again we have no access, and

1 based on the decision so far in the draft  
2 document, it's going to be allowed to fill in  
3 completely where we have no access.

4 I would appreciate it if FERC would look  
5 into the legalities of doing that, when, in fact,  
6 we have water rights, and easements within the  
7 water to be able to, you know, to use that, and  
8 the fact that AEP has not acted to mitigate that  
9 problem in all of these years, and still in the  
10 EIS, there is no definition; you've given no  
11 responsibility to AEP and you've given none to the  
12 counties.

13 I feel like you have to make a decision one  
14 way or the other of whether or not that is going  
15 to be accepted as a way -- as a -- just a problem  
16 that you have to deal with because the lake is  
17 there for generating power, so those people should  
18 suffer, but if that is the case, what you are  
19 saying by allowing this to happen is that the  
20 coves beyond the inlets are going to become the  
21 storage facility for the sediment in the lake, and  
22 if that is the case and that was the case, AEP  
23 should have bought that land when they bought up  
24 all of the other land, so that they could use it  
25 for a storage facility.

1                   You are allowing them to use it for a  
2 storage facility at this point in time, even  
3 though they don't -- they don't own the land  
4 around -- up above it, and I would appreciate it  
5 if you would reconsider that.

6                   Again, I'm going to send lots of backup  
7 paperwork to what I've said here this evening, but  
8 I felt like I wanted to have a face to face with  
9 you all so that you would know that people really  
10 are impacted by what you are about to approve.  
11 Even if I didn't have -- haven't owned my home for  
12 very many years, I did my homework. I got a copy  
13 of the deed before I purchased the house. I got a  
14 copy of the dock approval before we even purchased  
15 it, because we wanted to review all of those  
16 things, and based on the riparian rights and the  
17 fact that why would AEP approve a dock if there is  
18 going to be no water there, so there was every  
19 reason to believe that we would have water, you  
20 know, and this is the final change that we have  
21 here, because this license is 15 years, and in  
22 three years, that is -- that cove is filled in,  
23 based on what has been happening over the last ten  
24 years, it's been filling in a foot a year, so that  
25 means that we only have three years left until we

1 reach 795. Thank you very much.

2

3 (Applause.)

4

5 MR. CREAMER: Thank you. Stanley Smith.

6

7 MR. SMITH: Thank you, Allan. My name is  
8 Stan Smith, and I've been working on Smith  
9 Mountain Lake management issues for many years, in  
10 association with several lake associations and  
11 organizations. To keep it simple, I'm here  
12 tonight expressing my own thoughts rather than the  
13 positions of any of the organizations that I  
14 participate in.

15 I would like to comment briefly, and very  
16 briefly, about two aspects of the Draft  
17 Environmental Impact Statement. My comments will  
18 be much briefer than those topics deserve, but I  
19 will provide more detailed written statements to  
20 the Commission.

21 First, I would like to talk about water  
22 quality. There is much that we can agree on with  
23 respect to water quality. Much of the language in  
24 the Draft EIS and the original APCO plan focuses  
25 on improving dissolved oxygen in the Smith  
Mountain Lake dam. I agree with that proposed

1           action plan. I believe that we can also agree on  
2           the need for and the basic principles of ongoing  
3           monitoring of the water quality in the two  
4           reservoirs. There are many threats to the tropic  
5           status of these bodies of water, but an early  
6           warning system in place can help us use corrective  
7           actions to minimize the aging of the lake.

8                        I'm confident that the details of how APCO  
9           will fulfill their responsibilities for these  
10          monitoring programs can be worked out between all  
11          interested parties, but I do want to draw your  
12          attention to the Smith Mountain Lake Association  
13          and Ferrum college partnership on water quality  
14          monitoring. It's a program that has been in place  
15          for 22 years, creating technical data about the  
16          water quality of the lake. It not only provides  
17          that technical data, but it provides an education  
18          of water quality issues for 50 volunteers that  
19          work in that program every year. We can create a  
20          synergy effect with the continuation of that water  
21          quality monitoring program with the efforts of --  
22          the additional efforts that APCO can bring the  
23          team.

24                       Next, let me comment about Aids to  
25          Navigation. The Aids to Navigation Management

1 Plan proposed by APCO serves as a good baseline  
2 from which the final EIS can evolve. The  
3 fundamental basis of this plan is APCO has  
4 complete responsibility to install and maintain  
5 navigation systems in both lakes. We all agree  
6 with that premise. There are, however, three  
7 significant issues that must be resolved.

8 First, the marker systems to be installed  
9 on Leesville Lake must be lighted. Second, the  
10 Draft EIS assigned responsibility for safety on  
11 the lakes to APCO but then limits the safety  
12 precautions associated with a navigation system to  
13 what they call the defined waterway, in other  
14 words, the main channels.

15 This is unrealistic. All the waters of the  
16 lake are used for recreation, skiing, tubing, and  
17 fishing will not take place in the defined  
18 waterway. Indeed, these activities would be  
19 dangerous in the defined waterways. All  
20 obstructions pose a threat to that -- that pose a  
21 threat to recreation must be marked in the future  
22 as they have been in the past.

23 The third issue, the responsibility for the  
24 conversion of existing navigation markers must be  
25 addressed in the final EIS. It seems obvious to

1 me that the party that has the responsibility for  
2 the future installation and maintenance must  
3 handle that conversion. APCO's plan for marking  
4 the defined waterways calls for location changes  
5 for about 25 percent of the existing markers. If  
6 TLAC were to move forward with the conversion now,  
7 the efforts associated with changing those markers  
8 would be lost.

9 APCO is also considering re-numbering the  
10 entire system. In that case, the vast majority of  
11 any conversion work that TLAC would do now would  
12 be totally wasted.

13 There are other less important issues, but  
14 again, I'm confident that these can be worked out  
15 with all concerned parties. Thank you for  
16 allowing the citizens of these lakes to have the  
17 opportunity to comment this evening.

18

19 (Applause.)

20

21 MR. CREAMER: Thank you, Stan. Bill  
22 Taylor? Okay, we'll move on. De English?

23 MS. ENGLISH: Thank you. My name is De  
24 English and I am a resident of the Blackwater  
25 channel. My comments focus on the sedimentation

1 issues within the lake, sediment accumulation, and  
2 what I refer to as the sediment creep does and  
3 will continue to have a significant impact on the  
4 public safety and recreational use of the lake.

5 By way of an obvious example, sediment  
6 creeps since the reservoir was first formed has  
7 closed off the waterway through the horseshoe  
8 bend, Ponderosa part of the Blackwater, an area  
9 that was used and had a marina and active boating  
10 located at Route 834. In the sedimentation study  
11 report, the map of the Blackwater Creek, which  
12 shows areas subject to shoaling, identifies the  
13 subaqueous limit coming further down the  
14 Blackwater. It raises questions about how long it  
15 will be before the entire area will be too shallow  
16 for safe boating by the public. In fact, this  
17 subaqueous limits markings on all maps included in  
18 the study report raised serious questions about  
19 the safety and public use of many areas in the  
20 reservoir over time.

21 One only has to look at the red line  
22 markings on the map in the report to become very  
23 concerned about the continued sedimentation over  
24 the next four to eight years, let alone over the  
25 life of the re-license. The issues of shoaling

1 and sediment are a major concern and I believe are  
2 not adequately addressed in the relicensing  
3 process.

4 I believe that APCO must be involved in the  
5 significant proactive approach to address best  
6 management practices to slow and reduce the  
7 sediment creep especially in those identified  
8 subaqueous limit areas. Thank you.

9

10 (Applause.)

11

12 MR. CREAMER: We've got twelve more  
13 speakers. We're going to take a brief five-minute  
14 break, so it is now approximately 8:30, so if you  
15 could be back around 8:35.

16

17 (A recess was taken. Following the recess,  
18 the Hearing continued.)

19

20 MR. CREAMER: Could I get everybody to take  
21 their seats? Okay, would everybody take your  
22 seats so we can get started? Okay, the next name  
23 that I have here is Doris Neudorfer.

24

MR. NEUDORFER: She is not speaking.

25

MR. CREAMER: Okay, Bill Reidenbach?

1                   MR. REIDENBACH: Thank you for the  
2 opportunity to speak this evening. My name is  
3 Bill Reidenbach, and I'm a resident of Franklin  
4 County and a property owner on the upper reservoir  
5 of AEP's Smith Mountain Lake Project. I would  
6 like to comment on two of the areas, not  
7 necessarily the most severe, and make a suggestion  
8 for each.

9                   The first is the water management, or more  
10 specifically, the management of the upper  
11 reservoir water level. The first analysis and  
12 conclusions were bound in tiers by the State's  
13 Water Quality Certificate, but you can apparently  
14 do nothing about it, and I would draw your  
15 attention to, and I would like the record to  
16 reflect these comments on that subject:

17                   AEP and DGIF stated no negative safety or  
18 loss of residential impact over the range of water  
19 elevations permitted by the state protocol they  
20 mandated. AEP's only criteria for water level  
21 were based upon the elevation in which they topped  
22 the trees that were submerged when the project  
23 filled, a rather simplistic, single dimensional  
24 criteria given the irregular nature of the  
25 reservoir bottom and its recreational use.

1                    DGIF attempted to discount the arguments  
2                    made by interested citizens concerning access,  
3                    health, and safety and then proceeded to state  
4                    that their own ramps need to be upgraded because  
5                    of concerns about the same issues. They  
6                    flip-flopped the logic they used to support  
7                    opposite sides of point of view, adequate for the  
8                    residential public but inadequate for the support  
9                    of their own access. The Penhook public boat  
10                    launch, they manage, was renovated and upgraded  
11                    less than five years ago and they now contend it  
12                    becomes dangerous and shallow for the public to  
13                    use, given their supported criteria for water  
14                    management; yet, the same challenges do not impact  
15                    residents.

16                    As for a suggestion, FERC can specify  
17                    controls within the project without impacting the  
18                    State's Water Quality Certification, and I suggest  
19                    they do it as follows: Through numerous  
20                    submissions, it has been contended that the upper  
21                    reservoir water level is safest at the highest  
22                    elevation possible to full pond. The arguments  
23                    included boater safety, general access,  
24                    residential health and safety, and others.

25                    Internally, the upper reservoir has about

1 two foot of variation, and AEP has, on weekends,  
2 typically maintained one foot of what could be in  
3 the upper reservoir. I've seen nothing that makes  
4 it a benefit to the lower reservoir or supports  
5 the logic to recycle water for power generation.  
6 In fact, you are holding the potential energy for  
7 power generation in the wrong reservoir; it should  
8 be held up in the upper, not the lower reservoir.

9 My suggestion, therefore, is that FERC  
10 instruct AEP to maintain as much water in the  
11 upper reservoir on weekends as is available and  
12 hold the 600 foot elevation so as to minimize any  
13 water shortage adverse effects on the upper  
14 reservoir. Since Leesville does not go below 600  
15 feet, there should be no negative impact there,  
16 and this puts the potential energy where it can be  
17 used by AEP during work.

18 The second point that I would like to bring  
19 up is in the area of recreational management.  
20 Your analysis considers many areas for enhancing  
21 the recreational opportunities within and around  
22 the project. The discussion of the use of  
23 discharge from Leesville to support recreation  
24 and, again, manage flow seems inconsistent and  
25 incomplete and was not helped at all by some of

1 the comments that you quoted from the VDCR and  
2 VDGIF submitted comments.

3 The State again argues both sides of the  
4 coin, attempting to obtain their wishes without  
5 regard to consistency. The State in one area of  
6 the Environmental Impact Statement supports public  
7 access for boating and rafting at the base of the  
8 Leesville dam, and in another area, they suggest  
9 that the ramp be built and used only for official  
10 purposes.

11 The suggestions should be disregarded as  
12 not in the public interest. Nowhere does your  
13 document indicate how you get back out of the  
14 water over public property once you are there.  
15 Alta Vista is the first point of public access  
16 after you enter Leesville; that is 11.7 miles away  
17 per your document. As a practical matter, you  
18 will find that current uses trust private property  
19 along the route to get out much sooner and at  
20 various points. The state in another area  
21 supports minimizing any surge in the river and  
22 going to -- and can place it in common flow as  
23 possible and protocol, yet, in another area,  
24 demands high levels of flow and surge to stimulate  
25 a striper spawn. The flip-flopped logic of the

1 state agencies is again inconsistent and  
2 self-serving.

3 As to a suggestion, since AEP's analysis  
4 indicates that there is a flow level impact  
5 between Leesville and Goose Creek, three miles  
6 downstream, and the area is influenced by their  
7 work, although it is outside of the public  
8 boundary, I believe that they have some  
9 responsibilities, and to satisfy some of that  
10 responsibilities, you should provide public access  
11 in the Goose Creek area which is the end of where  
12 you see the impact of their flow working and would  
13 allow for public access entrance at the dam and  
14 access in that area.

15 As to VDGIF's access, it would be somehow  
16 nice if FERC could get some consistency out of  
17 them. Either you need surges or you don't need  
18 them, but it shouldn't be a type of thing that  
19 they decide when and where they are going to do  
20 what they would like to do. Thank you.

21

22 (Applause.)

23

24 MR. CREAMER: Thank you, Bill. Greg and  
25 Julie Reusch?

1                   MRS. REUSCH: My name is Julie Reusch and  
2                   this is my husband Greg Reusch, and we own  
3                   Beechwood Sound Structures which is a boat house  
4                   operation in Smith Mountain Lake which we started  
5                   back near 2000, and we are here concerned both  
6                   about the effect of the Shoreline Management Plan  
7                   on our business, on the economy of our business,  
8                   and also on the economy of the lake in general,  
9                   and I'm referring to Page 288 of the Shoreline  
10                  Management Plan where it says that it has been in  
11                  effect about three and a-half years, and AEP or  
12                  APCO has not yet conducted an assessment of its  
13                  effectiveness; however, implementing it is  
14                  expected to have positive benefits over time, and  
15                  I would like to comment that, in the three and  
16                  a-half years, I have no problem with the Shoreline  
17                  Management Plan or the permitting process, but the  
18                  way it has been managed, the time it takes us to  
19                  get permits and the loops and hoops we have to go  
20                  through to get permits to build boat houses has  
21                  just about put us into bankruptcy, and there are a  
22                  number of other business boat house builders that  
23                  have had the same experience.

24                  We have customers, but we're not able to  
25                  get permits; sometimes those permits can take six

1 months to a year. A couple of years ago, I asked  
2 AEP to meet with us to try to improve the process,  
3 and there was an improvement for a short period of  
4 time, and it seems like it's going back to the way  
5 it was.

6 We have customers that call us that are  
7 called by AEP or get letters from AEP about their  
8 boat docks that were built prior to AEP taking  
9 over the responsibility for this project, and they  
10 put it in the category of harassment. I have a  
11 well-respected lawyer in Roanoke that just  
12 mentioned to me the other day that he actually  
13 recommends that people not move to this area it is  
14 so difficult to get a boat house permit and not  
15 many people want to move to the lake when they  
16 can't find a place to store their boat house or  
17 build a boat house to store their boat, so  
18 basically, it says further in here that they  
19 consider the benefits of the existing Shoreline  
20 Management Plan to be worth the cost of  
21 recommendation, that it be included in the new  
22 license issued for the project, and I don't know  
23 all of the technical issues, but we would like to  
24 see the counties manage this permitting process.

25 It would only take us a few days to get

1           permits before AEP took it over and I think that  
2           the counties are better prepared, both from the  
3           fact that they have people who are used to  
4           construction and building in those offices, and  
5           they seem to have more time, actually, and we have  
6           a quarter of a million dollars investment in this  
7           business that is going down the tubes strictly,  
8           because, as I said, we have customers but we  
9           cannot get permits to build. Thank you for your  
10          time.

11                   MR. REUSCH: My name is Greg, and Julie  
12           pretty much summarized what we had prepared to say  
13           here. We have customer outrage at the way things  
14           have been handled down here as far as the  
15           permitting process of AEP, and we have lost so  
16           many good potential people and good potential  
17           customers because of the way the Shoreline  
18           Management Plan has been implemented because of  
19           noncommunication, no return telephone calls, the  
20           ability for customers to access information from  
21           AEP's office itself.

22                   I really do believe that the counties need  
23           to be responsible for building down on Smith  
24           Mountain Lake, because there is a whole lot of  
25           environmental things that are going on all of the

1           time here. This is, I understand, an  
2           environmental impact study, and maybe this is not  
3           all that important as far as the environment is  
4           concerned, but as we look through the Impact  
5           Statement, there were only two short paragraphs  
6           that address our concerns in this, and I think  
7           that if the people are not as important as the  
8           environment, then we don't really even need to  
9           worry about the environment because there is not  
10          going to be anybody down here to concern  
11          themselves with that.

12                    People are moving away from here; people  
13           are leaving because they cannot enjoy the lake  
14           anymore. They are leaving because their boats get  
15           damaged out on the lake. I mean, we, several  
16           years ago, had mentioned and submitted some  
17           proposals for a continual lake clean-up effort,  
18           not just when it's needed, and we were laughed at;  
19           we were basically laughed at at the office, and,  
20           you know, it's very, very frustrating for us, it's  
21           very, very frustrating for our customers, it's  
22           very, very frustrating for the businesses that we  
23           support and that support us to try to work with  
24           Appalachian Power Company; it really is, down here  
25           on this lake, and, you know, I feel sorry for the

1 people who come here, you know, come to move to  
2 Smith Mountain Lake right now at the way that  
3 things are being handled, and we would ask that  
4 the FERC take a better look at the Shoreline  
5 Management Plan and at something that is more  
6 important than just the environmental aspect of  
7 it.

8 The community is outraged, and we plan  
9 on -- and are trying to do our best to help FERC  
10 understand what our problems are. Thanks.

11

12 (Applause.)

13

14 MR. CREAMER: Thank you. Brian Blackall?

15 MR. BLACKALL: Don't let me forget my  
16 book. Good evening. My name is Brian Blackall,  
17 and I'm from Pittsburgh, Pennsylvania, and I rode  
18 down here tonight to be at this meeting.

19

20 (Applause.)

21

22 MR. BLACKALL: Thank you. That is not  
23 necessary, but thank you. In the absence of the  
24 project personnel who are here tonight, I wonder  
25 if it's possible to ask who specifically will be

1 receiving your report, so we know who you deal  
2 with? I don't know if that is a proper thing to  
3 ask.

4 MR. CREAMER: Which report are you speaking  
5 of?

6 MR. BLACKALL: Well, you are listening to  
7 all of these comments and stuff; where do they  
8 go? Specifically, who with the project, or do you  
9 just tell the project, this is what is going to  
10 happen?

11 MR. CREAMER: No, all of the comments that  
12 we're getting tonight will be summarized in the  
13 transcript and that is put into the public record,  
14 and, you know, that is something that staff --

15 MR. BLACKALL: Thank you.

16 MR. CREAMER: -- that staff will look at  
17 and the Commission ultimately looks at before they  
18 make a decision.

19 MR. BLACKALL: Thank you, I just wanted to  
20 ask you that; thank you very much. I am coming  
21 at -- well, first of all, I have nice prepared  
22 statements but I have learned so many new acronyms  
23 tonight and I've learned so many things going on  
24 with this lake. I've only been a property owner  
25 on the Gills Creek area for about four years,

1           that it is truly amazing, and so that is -- so  
2           that has changed a lot about what I wanted to say,  
3           but I have a slightly different tact.

4                        I noticed this document was published in  
5           March, and I truly believe that a lot of what I  
6           have heard about tonight is all about the almighty  
7           buck and it is about the environment, and when I  
8           hear comments, let's see here, water skimmer  
9           costs, water management teams, safe access,  
10          aquatic vegetation control, erosion moderation,  
11          sedimentation monitoring, all of these things  
12          cost, and I can truly understand why a company who  
13          is in the business of making a profit, that is  
14          what AEP does, that is all about the dollar.

15                       I can truly understand that some of these  
16          issues would be relatively minor, but it's their  
17          responsibility to make energy and it's -- I  
18          believe that it's the FERC's responsibility to  
19          oversee nationally that energy is provided  
20          efficiently, and my tact tonight is, ironically,  
21          the same timing as this document is the 111th  
22          Congress' passing of the HR-1 2009 Stimulus  
23          Package. Some other specific requirements and  
24          goals in that document are very relative to what  
25          has been discussed here tonight.

1                   In the title of HR-1, the Stimulus Package,  
2                   it says "Appropriations for Job Preservation and  
3                   Creation," and then another part of the title was  
4                   "Energy Efficiency." Specifically, renewable  
5                   energy and hydro electric power generation is  
6                   specifically mentioned in this document in Section  
7                   1705, Page 671.

8                   I did not read that whole thing; I'm sure  
9                   you saw on the news how big that thing is  
10                  (indicating), but in a certain section under  
11                  "Categories," in Section 671, Paragraph 1,  
12                  "Renewable energy sources, including hydro power,  
13                  shall be maximized and made efficient," and in my  
14                  mind, I don't understand how AEP was allowed to  
15                  let sedimentation occur because they must know  
16                  it's going to work the pumps more, and it's going  
17                  to make their whole process less efficient, so it  
18                  is a question that I had for the FERC.

19                  How did you -- if my statement is true,  
20                  that sedimentation and slowing down the flow of  
21                  water coming in through inlets, streams,  
22                  tributaries, what have you, makes hydro electric  
23                  power generation less efficient, how was this even  
24                  allowed to occur, and then there is other items.

25                  All of these cost, the things that I

1 mentioned, aquatic vegetation control,  
2 sedimentation monitoring. Is a wonderful  
3 opportunity for job creation, and it's clearly  
4 stated in HR-1, so what I'm -- what I would like  
5 to share tonight is that the overall concern maybe  
6 to the FERC and especially to AEP of the cost of a  
7 lot of this stuff that all of us are very  
8 concerned about is possibly gone, because right  
9 now, there is \$700 million standing with 50 --  
10 50 -- I can't read my numbers here, well over \$500  
11 million specifically for the Department of Energy,  
12 so just to summarize what I was thinking of today,  
13 AEP may have -- may not have to worry about the  
14 almighty buck as much, and the same with FERC,  
15 because of the HR-1 that was passed in March,  
16 2009, and I don't know if FERC people are aware of  
17 this document, the parts of the document that  
18 directly reference this, the renewable energy  
19 resources, including hydro power, the effects of  
20 projects meetings. In there, that is a renewable  
21 energy source that we've heard a lot about  
22 recently, and it's very specifically spelled out  
23 within this monster document, so as the FERC goes  
24 listening to all our comments here, I don't see  
25 how you are going to make a deadline if you do

1           what I'm suggesting, look through that document  
2           and find out.

3                       The money is there. Call up your  
4           Congressman who drafted the thing and they passed  
5           it in Congress, the 111th Congress, and see where  
6           this money is going to come from, and  
7           sedimentation, whatever that is, control -- it's  
8           been a long drive -- water quality, debris  
9           removal, maybe buying twelve more skimmers. The  
10          money is there, so AEP could put their fears to  
11          rest, and that is a totally different tact than  
12          I've heard here tonight, but I wanted to raise  
13          that to you, and I'm curious, has anybody in your  
14          organization even thought about this, or am I all  
15          wet, pardon the pun, or --

16                      MR. CREAMER: No, we are aware of the  
17          Stimulus Package.

18                      MR. BLACKALL: Is what I'm saying --

19                      MR. CREAMER: I'm not going to comment on  
20          that, but we will address these comments.

21                      MR. BLACKALL: But is my premise, is it  
22          real, that the money is there, and you create  
23          jobs, you can save the -- what is that fish you  
24          are trying to save here, the logperch; you can  
25          increase the flow and the efficiency, and I don't

1 know what the pumps run on that pump the water  
2 back into this lake, but are they fossil fueled or  
3 do they use the hydro electric energy to run those  
4 pumps? Are they fossil fuel? Look at that carbon  
5 footprint. How big is that footprint compared to  
6 the way it should be if there was sediment control  
7 in this lake. I will stop there. Thank you.

8

9 (Applause.)

10

11 MR. CREAMER: Okay, somebody is going to  
12 have to help me. Vicki Gardner?

13 MS. GARDNER: I can't read my own writing  
14 sometimes also, so my name is Vicki Gardner, and  
15 I'm executive director of the Smith Mountain Lake  
16 Chamber of Commerce. We represent nearly 800  
17 businesses, about 6,000 employees, and the  
18 community overall, and I want to thank you for the  
19 opportunity to come out and speak tonight. How  
20 appropriate that I would follow this gentleman  
21 from Pittsburgh.

22

23 The question tonight, over and over again,  
24 has been the commitment by AEP, as we head towards  
25 a relicensing program to operate the Smith  
Mountain Lake project for the next 30 years.

1                   Now, I'm just going to hit on three topics  
2                   that are quite important to keep it brief. I  
3                   think that we've gone over so many areas and in  
4                   great detail, but the three topics that I would  
5                   like to address are the -- beginning with the  
6                   public ramps, and in some of the documentation  
7                   that I've read, and I'm certainly not an authority  
8                   on the documentation as a whole, because it's so  
9                   many volumes, but is that we are relying upon the  
10                  current public ramps. The ramps are inadequate,  
11                  and I know that in the studies, that they -- that  
12                  it has been said that they are not fully utilized,  
13                  and that is because a lot of people will go to  
14                  privately owned ramps to put in.

15                  As a Chamber, we bring a lot of tournaments  
16                  to the lake -- actually, we don't necessarily;  
17                  tournaments come to the lake, and they bring a  
18                  great deal of revenue. Most of the tournaments  
19                  that come to the lake come in during the late fall  
20                  and early spring, when there is not a lot of  
21                  boating traffic, and the dollars that come in as a  
22                  direct result affect our community, and we are  
23                  losing many tournaments because there is no ramps,  
24                  and it is not necessarily just the single ramp  
25                  that is provided, but the parking, and so that

1 really is a concern, and I do want to bring that  
2 to the attention. Millions of dollars will be  
3 lost in the future if we don't address this, and  
4 it's not just the tournaments, of course. Public  
5 access due to the fact that so many of our  
6 businesses that are water related have closed  
7 down. Water access is so limited and will be in  
8 the future, and I think that that needs to be  
9 addressed.

10 Debris removal is a huge issue, and it --  
11 unless I have missed a point, we have a skimmer  
12 that is old; it is not functioning most of time  
13 now, it is on Leesville. We have two reservoirs  
14 that are using this inadequate skimmer, and if  
15 that is the plan for the next 30 years, it -- I  
16 don't believe that it's a good plan. I don't  
17 think that it is solid.

18 Is it -- what is the question that is  
19 stopping us from having something to remove the  
20 debris which comes into our lake and to come up  
21 with a plan by which we identify. We know where  
22 the debris is coming from. Some of it is natural,  
23 some of it is just along 500 miles of shoreline.  
24 We will have natural debris, but there is a lot of  
25 other debris that comes in. It needs to be

1 controlled, and a plan needs to be in place for  
2 the future and that plan is going to take some  
3 financial commitment, and that financial  
4 commitment, I don't believe has been met at this  
5 point.

6 Now, evasive weeds, I've lived on a lake my  
7 entire life, and I'm not saying Smith Mountain  
8 Lake, because I'm older than Smith Mountain Lake  
9 by a long shot, but I have lived on a lake that  
10 has endured invasive weeds, and I can tell you  
11 right now that it is a problem that is  
12 insurmountable once it takes hold, and we've been  
13 so fortunate to have people looking over the lake  
14 that are identifying these weeds and getting them  
15 out before a problem occurs.

16 I know in our lake up in New York, the weed  
17 situation was so bad that if your boat did travel  
18 across it, it would stop your propeller. If you  
19 were water skiing, it was dangerous; you could --  
20 you could literally be entrapped by the weeds. We  
21 don't want that to happen, and weed removal and  
22 invasive weed control is extremely expensive, or  
23 it could be, so what is going to happen in the  
24 future? I don't have a crystal ball which is  
25 going to say what will or will not happen.

1           Sedimentation is truly a problem, and that has  
2           been addressed.

3                     What we're asking for here, asking for is  
4           to make sure that we have a detailed plan, with a  
5           time line and financial commitment, a reasonable  
6           plan, certainly not looking for something that is  
7           unreasonable but a reasonable plan to get us  
8           through.

9                     You have heard tonight some of the most  
10          eloquent, well prepared comments and statements  
11          from businesses and from organizations, and  
12          members of TCRC who have committed themselves to  
13          identifying, of going through volumes, untold  
14          volumes, of details. Many of the people that have  
15          spoken tonight have witnessed and experienced the  
16          difficulties that are occurring and will continue  
17          to occur over the next 30 years that we're talking  
18          about, the safety, the water level, the  
19          sedimentation and erosion, the navigational  
20          markers and water quality, and we should really be  
21          so thankful that we do have the professionals that  
22          we have that are attending these meetings and  
23          watching out for us and for the lake, for not only  
24          the people that are here but the thousands of  
25          other people that we're representing.



1                   Basically, I have three major concerns.  
2                   One is the water level management of Smith  
3                   Mountain Lake, which in my opinion has been  
4                   unsatisfactory in the past and will continue to be  
5                   unsatisfactory in the future under APCO's plan.

6                   After two to three years of following these  
7                   issues, I've concluded that downstream interests  
8                   and those of the fish hatchery have been elevated  
9                   far beyond those of the lake area residents and  
10                  businesses. We all know that there is serious  
11                  safety and navigation issues created by low water  
12                  levels. We and many others are highly dependent  
13                  upon fire boat access, and an actual 792 feet  
14                  without excess water in Leesville Lake, nobody can  
15                  float a boat on up here, and an actual 792 feet is  
16                  the bare minimum for fire boat access, not 787,  
17                  not 789; those levels are hazardous and endanger  
18                  our family and our home and many others.

19                  Now, Erosion and Sediment Control. While  
20                  APCO has placed extensive requirements upon  
21                  homeowners and businesses along the lake, it has  
22                  done almost nothing along it's extensive  
23                  shoreline. That is inadequate and must be  
24                  addressed in the license. The term of the  
25                  license, a long-term license without specific

1 argots, performance standards, periodic review,  
2 triggers, and penalties is unacceptable, flat out  
3 unacceptable. The current license is not even as  
4 detailed or as professional as the standard  
5 residential home sales contract. Hopefully, the  
6 new license will not have such deficiencies and  
7 will consider the needs of the residents, and  
8 tagging onto Brian, I believe that it is, from  
9 Pittsburgh, I bought stock in APCO, or AEP, just  
10 so I could complain to them about the  
11 mismanagement --

12

13 (Applause.)

14

15 MR. SCHWEIZER: It is an asset of that  
16 company, and they have allowed their asset to  
17 deteriorate over the years. They have no real  
18 plans to improve the quality of that asset, as  
19 various people have said, with letting the  
20 sedimentation build up, and I think that you all  
21 ought to be concerned with that. If you are  
22 concerned about one of the buzz words nowadays, is  
23 energy security and independence, energy  
24 independence, and, well, you ought to be concerned  
25 with that, too, because they are letting this lake

1                   deteriorate to where it will be good for very  
2                   little. Thank you for your time.

3

4                                   (Appause.)

5

6                   MR. CREAMER: Thank you. Michael Pagan?  
7                   All right. Karen Yee?

8                   MS. YEE: Good evening, my name is Karen  
9                   Yee, and I'm representing my husband and myself.  
10                  We are with Penhook boat dock. I appreciate you,  
11                  Mr. Creamer, for being here and hearing us, but we  
12                  have to say, thank goodness Bay Roc got up and  
13                  spoke before me; they echoed a lot of my concerns  
14                  that I have, and I can't tell you what will  
15                  happen -- well, I can tell you what will happen to  
16                  my business.

17                  If the proposal goes through as the draft  
18                  is written and the water level is at 787 feet, I  
19                  have no business. I take all the money that I put  
20                  into the business, and we're in our third season,  
21                  and I walk away; I go bankrupt. I don't think  
22                  that is necessarily helping the economy if I do  
23                  that.

24                  Now, not only am I a business owner, but I  
25                  also own a home on Smith Mountain Lake, so I'm a

1 residential owner as well, not to mention a  
2 Franklin County taxpayer, so I am getting -- I'm  
3 getting hit, business taxes as well as my personal  
4 property taxes. Not only am I affected just by my  
5 livelihood of what I do day to day, but we're a  
6 seasonal business, open from April to October, and  
7 last year, with the gas prices skyrocketing and  
8 the water table decreasing rapidly, I had inches  
9 of water for people to be able to come in and buy  
10 petroleum at my gas dock. I couldn't get larger  
11 boats in, and then when I went to Richmond to tell  
12 them that that was the case, they completely  
13 dismissed me and said that there was no negative  
14 economic impact, and that is so not true.

15 Nobody is listening to us small business  
16 owners. We really just need to be heard, and  
17 we're very grateful that you are here tonight to  
18 be able to hear us out, because our livelihoods  
19 are critical at this point about what you guys  
20 finally decide with the relicensing.

21 I can only tell you that not only, you  
22 know, as I said, my livelihood is at stake, my  
23 property value is at stake, and my recreational  
24 use. We live, unfortunately, in the back part of  
25 a cove, and of course when the water level went

1 down last year, we could not get our boat out, so  
2 there was no recreational use for me because I was  
3 looking at mud; I wasn't looking at any water, and  
4 then if I did get the boat out, there were shoals  
5 all throughout the lake that were not supposed --  
6 the shoals were there because the water level was  
7 so low.

8 People didn't want to hear that, either,  
9 you know, that there was not going to be any  
10 safety impact. Of course, I am concerned,  
11 obviously, as a residential owner because the fire  
12 boat could not get -- they could not get into the  
13 cove to save my residence if there was a fire, so  
14 I'm pleading with you all that you hear what we  
15 have to say.

16 As a small business owner, you know, I'm  
17 not a major corporation, I am not "American  
18 Electric Power," and I respect what they do  
19 because they are trying to make a living just like  
20 us, but our small business owners need to be  
21 heard, and we appreciate you being here to hear us  
22 out tonight. Thank you.

23

24 (Applause.)

25

1 MR. CREAMER: Thank you. Warren Theis?

2 These these: Thank you. My name is Warren  
3 Theis, and I am a property owner. I didn't drive  
4 down from Pittsburgh but I did drive over from  
5 Bedford County, and I have a house that I live at,  
6 and I guess that I qualify as a small business  
7 person because I have another house over on  
8 Craddock Creek that I rent out for short-term  
9 rentals, and that one is in a cove. The house I  
10 live in is also in a cove, so it suffers the same  
11 problem, but the one on Craddock Creek is the one  
12 that has the biggest problem because at 792, I'm  
13 all mud there, seven -- excuse me, not 792, but,  
14 what is it, the one you propose? Yes, the 792 --

15 AUDIENCE: 787.

16 MR. THEIS: Yes, 787, but anyway, at 792, I  
17 can still operate, but I was looking in the -- at  
18 the EIS draft, the Draft EIS, and on the -- I want  
19 to talk about two areas. One is the erosion,  
20 sedimentation, and also the water level. The  
21 sedimentation monitoring plan on a couple of  
22 places, they talk about monitoring Blackwater,  
23 Roanoke, and Indian Creek and a number of other  
24 places, but I was kind of curious as to why they  
25 left off Craddock Creek, because there is plenty

1 of erosion and sedimentation going on there, and I  
2 had a meeting probably about a year or two ago and  
3 I had a CD that Bill was happy to -- at least I  
4 was happy; he put the thing together, but we gave  
5 a number of pictures of what was going on there in  
6 that particular cove, in and around Mariners  
7 Landing, and Mitchells Cove also, and the -- a lot  
8 of those instances occurred back in 2000 and also  
9 got repeated again in 2005, and all of it was  
10 caused by sedimentation and erosion above the 800  
11 foot contour from land development, so my question  
12 -- suggestion, after looking at the erosion,  
13 sedimentation, and the sedimentation monitoring  
14 plan, I would highly recommend that you reconsider  
15 adding in Craddock Creek and also Mitchells Cove,  
16 or Mitchells Creek; that is the area just between  
17 Craddock Cove, the subdivision, that hasn't been  
18 started yet, but there is going to be a lot of  
19 land surveying going on pretty quickly as soon as  
20 they get enough money going on.

21 On the other point, on the erosion and  
22 sedimentation, there is a number of places where  
23 it says that most of the erosion is caused by  
24 planned surveying above the project boundaries,  
25 and it seems to me, I was looking into your -- I

1 think that it was the -- I think that it was --  
2 you know, FERC had taken issue in the Draft EIS  
3 that the recommendation to Tri-County Committee  
4 came up with having three full-time sedimentation  
5 and erosion specialists at a cost of \$210,000.

6 I would like you to at least take a look at  
7 that and reverse the FERC staff recommendations  
8 and allow that to happen, because, as we all know,  
9 the action is really between -- up to the County.  
10 Appalachian Power says when we have a situation  
11 with erosion coming in from above the project  
12 boundaries, it's not their problem; it is the  
13 County and the State's problem, so I don't know  
14 how else to address it.

15 I think that somebody mentioned that  
16 earlier tonight, but that would be at least a  
17 little bit of a step in the right direction, to  
18 bring in these three full-time erosion  
19 specialists, and lastly, on the water management  
20 plan, the only thing that -- when I was rereading  
21 or reviewing Page 294, it was talking about the  
22 \$1.4 million annual costs and lost generation if  
23 they went along with the Tri-Counties' proposal,  
24 and it seems to me like they didn't even consider  
25 the cost of all of the -- for instance, in my

1 case, I would be -- I wouldn't be paying the ten  
2 percent tax to the State and the locals; I'm  
3 talking about the transient tax and the sales tax  
4 for that small business, and also, obviously, the  
5 local restaurants, all of that wasn't even put in  
6 there to offset the \$1.4 million cost, so I think  
7 that my recommendation on that would be to find  
8 out what that cost is and put that in there to  
9 offset the \$1.4 million, if that is really a true  
10 cost, because I think that I saw somewhere in the  
11 stuff today that the \$1.4 million was a question.

12 Anyway, thank you very much for the  
13 opportunity to make some comments.

14

15 (Applause.)

16

17 MR. CREAMER: Thank you. Charles  
18 Poindexter?

19 MR. POINDEXTER: How was that? I'm used to  
20 speaking behind William Fralin, and he's 6 feet,  
21 ten inches. I appreciate your representing FERC  
22 here tonight, and I really had not intended to  
23 speak. A number of people asked me if I would,  
24 and I think that I will.

25 I guess that I probably go back -- I hate

1 to date myself, but at least as far as anybody in  
2 this audience tonight. I grew up on the  
3 Blackwater River, and when I was six years old I  
4 waded in the creeks and everything else, so I do  
5 have a background in that, and, as you know, I've  
6 worked with you before on some previous things.

7 I'm in a position now where I hear a lot.  
8 I represent all of Franklin County, a good part of  
9 Pittsylvania County, probably 50 or 60 percent of  
10 the people that live in and around Smith Mountain  
11 Lake and Leesville Lake, and in my travels, I get  
12 an earful, not just about Smith Mountain Lake, but  
13 other things, of course, too, so I will take the  
14 tact of telling you what I'm hearing and what is  
15 on people's minds because I think that is what is  
16 really appropriate.

17 Sediment is the issue, is the issue, is the  
18 issue. There are other issues, obviously, but  
19 sediment is the issue. It has not been going to  
20 be sold in the management plan or this DEIS, and  
21 it is absolutely mandatory that we get a handle on  
22 that for the future. You can drive across the  
23 bridge and see a little bit of it, but I would  
24 invite you to wade in the two and a-half miles of  
25 the river that I used to wade. It is a mud flat.

1                   This is a man-made project. We've given up  
2                   some of the finest whitewater that is around in  
3                   this area that I used to use when I was a  
4                   youngster for this. The shorelines were red dirt  
5                   down to the 785 or 786. We've developed a great  
6                   fishery, and now we have this tremendous amount of  
7                   sediment; it's coming from the shoreline,  
8                   upstream, we all know where it's coming from.  
9                   There is a lot of mitigation, but the settlement  
10                  must be solved by mitigating the current situation  
11                  and taking preventative measures to prevent it  
12                  from reoccurring, reoccurring, until we get it  
13                  under control, which we may not be totally able to  
14                  do, but clearly, sedimentation is not going away.

15                  We have to go back to sedimentation and  
16                  say, listen, this is man-made, it's not real  
17                  wetlands; you know, we didn't have that. I used  
18                  to sleep outside on the porch and not get a  
19                  mosquito bite, but this is -- man caused this  
20                  sediment, and wetlands, if you define it that way,  
21                  and we need to get the Corps of Engineers together  
22                  and EPA and the rest of them and say look, this  
23                  situation, we've got to have some relief on  
24                  dredging and all of those types of things that it  
25                  takes to solve the sediment problem, but enough on

1 sediment.

2 Looking back over the efforts for the last  
3 few years, I want to say to you that I believe  
4 that FERC's efforts and the studies have been very  
5 shallow. I don't think that they've gone into the  
6 depth that we should have gone into them, and I'm  
7 asking you to go back and take a look at those.

8 I will use the socioeconomic study as an  
9 example. If you think that you have a good study  
10 on this project, go down and take a look at what  
11 we're going to do in uranium mining where that  
12 water will flow in the Roanoke River below this  
13 project and take a look at the type of things  
14 where we're looking at and you will see what a  
15 real socioeconomic study will be.

16 We've entirely, I believe, ignored  
17 business, local government, and safety so far in  
18 this whole process, and you have heard from the  
19 other speakers on those subjects, but they've been  
20 put to the back -- it's like FERC is only  
21 listening to the environmental side of the house  
22 and they need to listen to everything.

23 That is not all, there is another side, and  
24 that is what the law says, but the law gives FERC  
25 the opportunity to interpret and wiggle and try to

1           serve all the best of the interests and everybody  
2           in the process, and I believe that FERC could do a  
3           better job of that. I don't mean nothing  
4           personal; you here representing FERC, so I'm  
5           trying to speak to FERC.

6                        I think that, finally, in the process, we  
7           often forget, and I know that I do; we assume that  
8           everyone has a computer and high speed access, but  
9           people in this area, only half of them have high  
10          speed access and quite a few are not computer  
11          literate and not too many copies of that document  
12          get passed around, so if I look back in the last  
13          four, five, six years in this process, I will say  
14          to you that there are a lot of people that don't  
15          live right on the lake, either Smith Mountain Lake  
16          or Leesville, that have never gotten the  
17          information and don't know what is going on, and I  
18          think in the future, we can do better with that.

19                       There's another point that I haven't seen  
20          any action on, and let me give you an example.  
21          There was 800 feet of frontage created on Smith  
22          Mountain Lake when the project was built, and  
23          probably only 300 of it is available for a canoe,  
24          even, today. My family and I have maintained that  
25          land with hundreds of feet of trees and buffers.

1           This stream rises on our farm; yet, it's  
2           sediment.

3                     The culprit is transportation, the Virginia  
4           Department of Transportation, and I would welcome  
5           you and suggest that FERC bring in VDOT when you  
6           are dealing with the sedimentation issues, because  
7           very clearly, a lot of that is responsible for  
8           that. In other words, we in the country can do  
9           our job, but if that doesn't happen, it doesn't  
10          matter, and we can build buffers all the way  
11          around, and if all of the water runs away in the  
12          ditches, it's still going to ruin Smith Mountain  
13          Lake.

14                    I would offer, too, this fast track  
15          process, and I think that has probably been the  
16          cause of some of the lack of depth in these  
17          studies and the other results here. I would  
18          suggest to FERC that it would be appropriate to --  
19          I forget the term that you used, if you know what  
20          I'm talking about, maybe you ought to go back and  
21          think how that process work. It does not  
22          necessarily have to slow it down a whole lot more  
23          so much as it has to assure the depth of the work  
24          that is done, and finally, I think the people that  
25          really count, and the reason that I didn't want to

1 speak tonight, they are here; they're experts,  
2 they've volunteered their time, the people that  
3 need to be listened to are not necessarily  
4 Richmond, Washington, D.C., San Francisco, or  
5 anywhere else, but the people that live in the  
6 area and the citizens that live here. They are  
7 represented by TCRC, they are represented on the  
8 civic side by TLAC and SMLA, and there is a world  
9 of expertise and dedicated expertise here; listen  
10 to them and not to me.

11 In closing, I want to go back and say the  
12 same thing that I started with. We have to fix  
13 the sedimentation; we have it fix it. It hasn't  
14 been done. We're looking forward to what you can  
15 do to help us with that. Thank you for the  
16 opportunity to comment.

17

18 (Applause.)

19

20 MR. CREAMER: Thank you, Charles. The last  
21 speaker that we have here that has signed up is  
22 Richard Jensen.

23 MR. JENSEN: Everyone still awake? All  
24 right. I'm Richard Jensen, and I own the Blue  
25 Ridge Campground & Marina on Gills Creek. It's

1 got campgrounds, forest, 65 boat slips, and it's  
2 the only one left in Franklin County. I've been  
3 here 20 years and I've watched this place grow,  
4 and it's been good to us. It's been difficult at  
5 times. I've had to dredge at times, using the  
6 Corps of Engineers and getting 1,200 permits, but  
7 we got it done. This last fall, of course, I lost  
8 half of my boat slips to mud and silt, but we  
9 survived. Today the lake is up, and I'm happy; I  
10 hope it stays up.

11 A couple of things that happened to me was  
12 when they did the Shoreline Management Plan,  
13 originally, I was classified as commercial. About  
14 three years later, I went down to AEP to hopefully  
15 increase my docks, and they said, oh, you are not  
16 commercial anymore, you are half residential. I  
17 was not notified, I got no input, and if I try to  
18 make any improvements, I'm sorry, add anything to  
19 my marina, I will be in violation of the  
20 grandfather law, and I will probably lose about 40  
21 of my boat slips, and I was told that I would also  
22 lose my boat ramp, because I have access on the  
23 boat ramp.

24 My taxes from last year, from 2008-2009,  
25 tripled, and I fought them and I got only a 50

1 percent increase, and this is what you have to  
2 deal with as a small businessman on the lake.

3 I provide a service to people who can't  
4 afford or don't want a house on the lake. I have  
5 over 100 families, children, and we have a good  
6 time. I had a contract to sell my property three  
7 years ago for over \$4 million, and I did not take  
8 it because there is no place for the people to  
9 recreate here, and I want to build a heritage or  
10 an inheritance for my children and my  
11 grandchildren.

12 I love this area. I was born in New York  
13 City, with no trees on my street, and I had to  
14 drive an hour to put my foot in the lake, and this  
15 is God's country for me and I love being here, and  
16 I love the people around here. It's very  
17 different from my growing up, believe me, but, you  
18 know, the small businessman does need help in this  
19 area.

20 The plan that I have just perused mentions  
21 recreation, but I think that the lake is  
22 recreation. There is so many things that go on  
23 here that people enjoy and do, but that is slowing  
24 down, except for the weekends, and people that  
25 come here on the weekends are limited to where



1 from in New Jersey, we had a tree in front of the  
2 house.

3 MR. CREAMER: Gerry, could you spell your  
4 last name?

5 MR. CAPRARIO: C-A-P-R-A-R-I-O, Gerry with  
6 a "G."

7 MR. CREAMER: Thank you.

8 MR. CAPRARIO: AEP built the lake, it's  
9 their business, and they are entitled to make a  
10 profit, and I will not address the thought of  
11 asking them how to cycle their generation. I will  
12 suggest, though, that some of their stewardship on  
13 Leesville Lake could be improved. A point of  
14 information, Leesville Lake has not received any  
15 monies from TLAC. We're on our own. As far as  
16 debris removal is concerned, the lake association  
17 has brought their own barge, unpowered, volunteer  
18 boaters come and power the boat around the lake  
19 and we pull up what we can.

20 We've hired, again with contributions from  
21 the three counties on our lake, a private  
22 contractor, and we will have spent \$40,000 this  
23 year, so far this year, on cleaning debris out of  
24 the Leesville Lake. Two years ago, the skimmer  
25 was on the lake for, I believe, 30 days, and we

1 had a private contractor as well. We took out  
2 over 3,000 cubic yards of mostly woody debris,  
3 large trees, small trees, everything from pine to  
4 walnut. Leesville Lake has a fluctuation level of  
5 13 feet, and I protest the manner, the derogatory  
6 manner in which it was addressed that Leesville  
7 Lake does not matter to keep the water levels up  
8 on Smith Mountain Lake.

9 We're entitled to our enjoyment as well.  
10 When Smith Mountain Lake goes down two feet,  
11 Leesville Lake comes up 13 feet. I have a 30-foot  
12 ramp to get out to my floating dock, and when the  
13 lake is down, I may or may not be able to get up  
14 that ramp. I can slide down it, but I may not be  
15 able to get back up it. I'm not saying that  
16 you -- that you at Smith Mountain Lake should be  
17 ignored, nor should we. We all have our own  
18 individual problems. Thank God, knock on wood,  
19 that we don't have, as of yet, these invasive  
20 aquatic weeds.

21 The last thing is, that I have hear here,  
22 and it is a pointed thing, that there was a boat  
23 dock and fishing pier going to be built at the AEP  
24 picnic area on Leesville Lake, and now that has  
25 been moved, that I see in this Draft EIS, to

1 Meyers Creek, which is -- it renders it almost  
2 useless in that location. There is not a very  
3 large parking area, it's off a smaller road, and  
4 Meyers Creek can get down and dirty, and I don't  
5 know how that happened, what the change was, but  
6 anyway, I've explained a little bit of something  
7 about little Leesville Lake, and we are entitled  
8 to our share of the enjoyment. Thank you.

9

10 (Applause.)

11

12 MR. CREAMER: Thank you, Gerry. Anybody  
13 else have any further comments that you want to  
14 make? Frank?

15 MR. SIMMS: Short people. For those who  
16 don't know me yet, I'm Frank Simms, the manager of  
17 hydro operations for American Electric Power, and  
18 really, I just came up here to tell you all that  
19 we've been sitting here and listening, and we're  
20 listening to your comments and we've been  
21 listening to your comments as we've gone through  
22 this whole process.

23 The first thing I want to do, too, is to  
24 tell the FERC that we appreciate all of the work  
25 that they've done. They've been at a lot of

1 meetings, they've put a lot of time into this,  
2 they've put a lot of effort into it, and the job  
3 that they have is extremely difficult. If you  
4 look at it, they are trying to balance everything  
5 as they look as this process, lake levels, the  
6 flow downstream, Leesville Lake, sedimentation,  
7 erosion, debris, and it's a tough job. It is a  
8 very hard job, and I think that they've done a  
9 good job on it.

10 You know, I've heard the comments that have  
11 gone all the way from, "My, God, you've ruined the  
12 lake" to the comment that the Bass Master thinks  
13 that this is the best lake in the country, so you  
14 can imagine all of the comments that these guys  
15 get, you know, how are they going to put the  
16 perfect package together, and I don't think that  
17 it will be the perfect package for everybody, but  
18 I think that they are well on their way.

19 Some of the comments, too, that we will  
20 have on the Draft EIS, believe it or not, some of  
21 them are the same comments that you have; some of  
22 them are a little bit different, but I think that  
23 one of them that I would like to bring up that  
24 hasn't been brought up, and this is just in the  
25 form of a question that I don't want an answer on,

1           which is basically, in the Draft EIS, there is a  
2           lot of reference to the 401 certification and the  
3           study that is being done as part of that 401  
4           certification, and some of the dates, some of the  
5           requirements from that, and some of the things  
6           that have come out in the Draft EIS would suggest  
7           that there would be different information  
8           produced, different dates, and it's a little  
9           difficult to understand the interrelationship  
10          between what we need to do for the 401 relative to  
11          what we would need to do based on your  
12          recommendations, so I would just ask the FERC to  
13          look at how that could be brought together a  
14          little bit better.

15                 Again, I thank you for the opportunity to  
16                 come here and hear your comments, and I thank the  
17                 FERC for having this meeting, and I'm sure that we  
18                 will all be seeing each other some more, so good  
19                 night.

20

21                         (Applause.)

22

23                         MR. CREAMER: Thank you, Frank. All right,  
24                         we've got one more here.

25

                       MR. ZIMMERMAN: I'm Sherwood Zimmerman and

1 I had originally not planned to speak; I had  
2 prepared a written comment and submitted it, but  
3 there are a couple of things that I think that are  
4 unique to Leesville Lake, and I'm president of the  
5 Leesville Lake Association, and honestly, debris  
6 is one of those issues that we've been dealing  
7 with for quite a long time, and obviously, playing  
8 catchup with as a result of the years that nothing  
9 was done.

10 Our association is only about four years  
11 old, so we're really working hard to try to catch  
12 up. One of the problems that we have with debris  
13 is getting it out of the water; that is a problem,  
14 and we can hire someone to do that for us, but we  
15 have no place to off-load. We have to depend on  
16 the generosity of private landowners in order to  
17 have a place to put the debris.

18 Then the greater problem, once it's out of  
19 the water, is what do you do with it, and that is  
20 a problem. Do you burn it, do you chip it, how do  
21 you get rid of it; that is a huge problem, and  
22 another big expense. All of these things, we have  
23 been trying to do on our own.

24 We've had donations from three counties,  
25 Bedford County, Campbell County, and Pittsylvania

1 County, and then we have raised money on like for  
2 Beautification Day, which we have coming up on May  
3 16, we have volunteers that have donated about  
4 \$7,000 each year for that endeavor.

5 We're trying to address those issues, but  
6 we do not have enough funding to be able to do  
7 that, and the debris problem is going to be an  
8 ongoing problem as far as the wooded areas are  
9 constantly contributing to the water.

10 We heard people talk about safety and fire  
11 safety on the lake, and we have nothing on  
12 Leesville Lake, not one single fire boat, no, and  
13 how do you go about doing that when you are  
14 dealing with three individual counties that would  
15 have to work together in order to be able to put  
16 something like that together. Who takes the  
17 initiative and who puts that organization in place  
18 that is going to cause that cooperation to occur?  
19 This is one of the issues that we have.

20 We have been running our own water quality  
21 monitoring program for three years. We've been  
22 doing that with volunteer help, and this year,  
23 we've got \$1,500 from the State to assist us  
24 there, and prior to that, we've taken it out of  
25 our general operating budget of donated funds.



1 addressed in an organized way, and it's not just  
2 peculiar to one lake; it's a problem on both  
3 lakes, and it certainly needs to be addressed.  
4 Thank you.

5

6 (Applause.)

7

8 MR. CREAMER: Thank you, are there any  
9 other comments before I wrap up? Okay. Just real  
10 briefly, I kind of want to touch on the process  
11 going forward. We were asked a question, what  
12 were we going to do with all of these comments.  
13 These comments, as well as the written comments,  
14 do enter into the Record. The Commission staff  
15 will look at those comments, we will address those  
16 comments, and to the extent that we feel those  
17 comments have merit, we will make changes in the  
18 environmental document and issue a final EIS.

19 The environmental document will also have  
20 an appendix that will give a complete listing of  
21 the comments and our responses to those comments  
22 and how we may or may not have addressed them in  
23 the EIS itself.

24 Our anticipated schedule at this point in  
25 time for the final Environmental Impact Statement

1 is targeting a release date in early August. In  
2 order to keep to -- you know, I believe that it  
3 was Charles mentioned the schedule, this is an  
4 integrated licensing process, we are bound to a  
5 schedule, and we need to keep that schedule, to  
6 the extent that we can. Our bosses don't like to  
7 deviate from these schedules unless there is an  
8 absolutely good reason, so we are targeting the  
9 beginning of August for the final Environmental  
10 Impact Statement, and then, at that point in time,  
11 the environmental review is complete and then it  
12 will be ready for Commission action.

13 At that point, I don't know the order that  
14 will follow at some point after that, and I'm not  
15 sure really when that will be, but I would venture  
16 to guess that it -- you know, unless there are  
17 major problems, that it isn't going to linger too  
18 long, so with that, are there any process related  
19 questions or anything like that that I can answer  
20 about what we're going to be doing and how we're  
21 going to proceed down that path?

22 MR. BRUSH: I noticed on the schedule, the  
23 original schedule for the APCO process, that  
24 sometime in July, you were expecting to get some  
25 comments, potentially, on license articles?

1                   MR. CREAMER: Comments on license  
2 articles?

3                   MR. BRUSH: Yes, APCO and participants, it  
4 is in the schedule. I mean, I don't know exactly  
5 what that means.

6                   MR. CREAMER: Well, those draft license  
7 articles were attached to -- as an appendix to the  
8 environmental document. That is one of the  
9 requirements of the document, you know, under the  
10 integrated licensing process, so those articles  
11 are attached there, so our expectation is that  
12 when we get comments on the draft environmental  
13 document, on the statement, that those comments  
14 will also cover any thoughts or, you know, changes  
15 that you would like to see us make in those draft  
16 articles, because those articles will ultimately  
17 be what, you know -- you know, unless the  
18 Commission wants to differ with the staff  
19 recommended measures, those articles will be what  
20 ends up in the license.

21                   Are there any other questions? Okay.  
22 Well, I would like to thank everyone for coming  
23 out and sticking it out so long. I certainly  
24 appreciate hearing everybody's thoughts and views  
25 on our draft document.

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(The Hearing was concluded.)

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