1 ENVIRONMENTAL ASSESSMENT
2 FOR HYDROPOWER LICENSE
3
4
5 SALUDA HYDROELECTRIC PROJECT
6 FERC PROJECT NO. 516-459
7
8 THURSDAY, APRIL 29, 2010
9 SALUDA SHOALS PARK RIVER CENTER
10 5605 BUSH RIVER ROAD
11 COLUMBIA, SOUTH CAROLINA
12
13 COMMENCING AT 7:03 P.M.
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16 REPORTED BY: SHERI L. BYERS,
17 REGISTERED PROFESSIONAL REPORTER
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2 MR. CREAMER: Good evening, everyone. My
3 name is Allan Creamer. I am with the Federal Energy
4 Regulatory Commission, and I'm just going to make a
5 brief statement tonight. Lee is going to run the
6 show mostly.
7 We're here tonight to talk about the draft
8 environmental document for the Saluda Hydroelectric
9 project. And we've got six people who have signed up
10 to speak, so that's good. It's good to hear. We're
11 going to hear what you all have to say about what our
12 thoughts on it was.
13 And, anyway, I would like to thank you for
14 coming out tonight. I do think this will be a
15 relatively -- I'm going to say relatively, but I
16 think it will be a relatively short meeting. But it
17 will give everybody a chance to fully vet their
18 issues and say what they want to say.
19 There are three of us here tonight.
20 Myself, I am a fisheries biologist and a senior
21 technical expert with the Hydro East Branch 2, which
22 is the Southeast region. We have Lee Emery, who is
23 the project coordinator. And in the back there in
24 the blue shirt is Bryan Roden-Reynolds. He is a
25 fisheries biologist, and this is his first 10J

meeting -- not 10J, but first public meeting. So please be -- please be kind to him.

With that, I'm going to turn it over to Lee, and he'll take over.

MR. EMERY: Good evening. Welcome everybody this evening. Glad to be back in Columbia.

It's a good way to lure tourists here. Blue sky today, low humidity. I'm surprised the people still aren't out golfing. I had to go up to Pacolet this afternoon. It was a good drive. See some of the countryside.

This is a continuing process of the licensing process for the Saluda project. You have until May 10th to file your written comments if you don't feel like speaking this evening. Filing by May 10th. We're still on schedule to issue a final EA in June. That's our target at the moment. Get our comments in here, make the changes to the document, issue the final EA in June.

We have a court reporter here this evening, Sheri. So we don't have a speaker system. The acoustics are pretty good in here with this ceiling shape. I think you just stand up in your position and tell us what you want. People will be able to hear you rather than coming up here. We'll see how

1 it goes as we go along. We have five or six people
2 who want to speak so far.
3 As Allan said, this document's been out. I
4 don't know if you've had a chance to see it. We
5 brought some CDs. If you would like to have a CD, we
6 have one of those this evening. And some hard
7 copies, as well, of the document. Of course, it's
8 available on our e-library at FERC as well.
9 But I hope you've had a chance to look at
10 it, and that's our best guesstimate we can see from
11 all the data we've collected to date. And we're
12 anxious to see what you have to say about it this
13 evening.
14 So do you have a list of people?
15 MR. CREAMER: I have the list. Okay. This
16 is Allan Creamer again. We have -- did Lee mention
17 that we have a court reporter here?
18 MR. EMERY: I did, yeah.
19 MR. CREAMER: With that, then, we're going
20 to start. We're going to go in order of sign-in,
21 which means, Bill, you're first.
22 MR. ARGENTIERI: SCE&G would like to
23 commend the commission's staff on their thorough
24 evaluation and consideration of the Saluda
25 Hydroelectric Project Application for new license and

1 supporting documentation while preparing the draft
2 environmental assessment. We believe the staff
3 analysis to be very comprehensive, and the
4 recommendations contained in the draft EA not only
5 provides for continued operation of the Saluda
6 project as a reserve generating facility, but also
7 provides the high level of protection, mitigation and
8 enhancement of the environmental resources that all
9 stakeholders had envisioned.
10 SCE&G intends to file two main comments on
11 the draft EA. The first comment requests for FERC
12 staff to include, prior to issuing the final EA, an
13 assessment on the equitability between a one-foot and
14 two-foot trigger and implementation of the low inflow
15 protocol.
16 On September 22nd, 2009, SCE&G filed a
17 letter with a justification for the two-foot trigger,
18 which included several paragraphs and supporting data
19 discussing equitable water allocation between
20 upstream and downstream interests. However, the
21 staff assessment does not consider this equitable
22 balancing in terms of percentage of target flow
23 volume release versus percentage of target storage
24 volume in the reservoir in developing the draft
25 recommendation to adopt a two-foot trigger under the

1 low inflow protocol.
2 Therefore, SCE&G respectfully requests that
3 prior to making a final recommendation for a one-foot
4 or two-foot trigger for the low inflow protocol, the
5 staff evaluate and incorporate as part of your
6 analysis the equitable water application to upstream
7 and downstream interests and resources. We request
8 that this assessment be included in the final EA.
9 We still want the commission to make the
10 final decision on a trigger for the low inflow
11 protocol, but in the interest of fairness to all
12 stakeholders, want to make sure all data has been
13 considered in making that final recommendation.
14 The second comment addresses the ten-slip
15 standard license article. SCE&G respectfully
16 requests that the commission reevaluate and revise
17 the recommendation that the licensing must obtain
18 commission approval prior to permitting multislip
19 facilities greater than ten slips regardless of
20 shoreline footage or the type of multislip facility.
21 Licensees request for authorization to make
22 determinations regarding noncommercial community
23 docking facilities without having first to apply to
24 and secure specific individual dock project
25 permission from the commission is a key element and

1 integral part of the license of the shoreline
2 management programs that comprise of Project 516 SMP
3 as filed.
4 It was part of a very delicate balance of
5 interests that the relicensing participants agree
6 would result in a net benefit for the project. The
7 user community and the licensee's efforts to have a
8 stringent but fair and productive shoreline
9 management program going forward and would help in
10 the effort to address the goal of resource
11 rebalancing.
12 The licensee and stakeholders believe that
13 SMP and Permitting Handbook, as filed, provides
14 significant environmental enhancements. In exchange
15 for a more protective shoreline management program,
16 including the much more restrictive and proscriptive
17 dock program elements, property owners are to have
18 available to them a more streamlined, more
19 predictable, and less time-consuming permitting
20 process.
21 We believe the approach in permitting
22 multislip facilities as part of the SMP and
23 Permitting Handbook provides flexibility for the
24 licensee, assures and facilitates local community
25 involvement in the review process and provides

1 incentives for additional environment benefits which
2 may not be realized under a ten-slip standard license
3 article.
4 We respectfully request the commission
5 waive the ten-slip standard license article and
6 incorporate a land use license article that does not
7 require commission approval to permit multislip
8 facilities on future development properties with lake
9 frontage up to 4,000 feet.
10 Thank you for the opportunity to provide
11 these comments. We will provide additional written
12 comments by May 10th.
13 MR. EMERY: Thank you. You can give that
14 to the court reporter. SMP, Shoreline Management
15 Plan. SMP.
16 By the way, when you give your name, if
17 it's an unusual spelling or something, spell it out.
18 Or if there's something in your speech that us laymen
19 may not know about, please explain what that is as
20 well. Or other unusual words. Thank you.
21 Thanks, Bill.
22 Who's next in line?
23 MR. CREAMER: Thank you. Reed Bull.
24 MR. EMERY: Reed Bull.
25 MR. REED BULL: Reed Bull. R-e-e-d

B-u-l-l.

I'm here supporting the Midlands Striper Club. We were fortunate to have a position on the shareholders groups.

We are very pleased to be able to have a say-so in the development of the recommendations for the relicensing of the Lake Murray facility, and we support the findings of the EA document.

In support of DNR, we are in support of the two-foot trigger, as was mentioned or concluded in the EA document. This is to enhance with stripe bass production and reproduction in the months of April and May in the Saluda River. And other than that, that we believe that we have very good recommendations here and believe that the conclusions made are excellent and would recommend that the EA document be adopted with that one issue.

MR. EMERY: Thank you.

MR. CREAMER: Our next speaker is Dave Landis.

MR. LANDIS: Good evening, everybody. I'm Dave Landis with the Lake Murray Association. It's one of the oldest and largest associations on Lake Murray.

We have participated for the last four

1 years in the relicensing process and would like to
2 acknowledge the outstanding work that SCE&G did in
3 conducting the process.
4 Hundreds of hours and meetings were held
5 and many committees were formed to work the interest
6 of the many stakeholders as well as the agencies of
7 the licensee.
8 We feel it was a joint effort, and SCE&G is
9 to be commended. The stakeholders were diverse, and
10 we all had different goals and interests. The one
11 thing we did have in common was the Saluda
12 Hydroelectric Project. In our opinion, the FERC had
13 worked in a fair and expeditious manner to get the
14 environmental assessment back with moderate changes
15 in the original draft of the license.
16 We would respectfully like to ask the FERC
17 if they would reconsider their decision on the
18 two-foot trigger during the drought or low inflow
19 periods, which would lower the lake two feet before
20 adjustments were made to the outflow to the river.
21 Even then, the outflow would adjust by
22 approximately 200 CFS, which according to the agency,
23 seemed to do no harm to the fish over previous years.
24 We felt SCE&G's equitable argument with valid --
25 equitability argument with valid -- was valid during

1 these unusual periods. We notice that in the
2 assessment, all of the modeling was based on the 28
3 years, and that, in our opinion, does not give the
4 model the correct numbers.
5 As SCE&G pointed out, the ten drought years
6 were the years that we felt it was appropriate to
7 look at. With a look at those years, the one-foot
8 trigger treats the downstream interest and the lake
9 interest equally. During droughts, the three inches
10 that was indicated, the only amount the lake would
11 lose, in our opinion, does not compute properly. We
12 do not see the assessment -- I'm sorry, we do not see
13 in the assessment where that part of SCE&G's argument
14 was addressed. And, again, we would like for you to
15 look at it again to see if perhaps another assessment
16 could be made.
17 We also support SCE&G's position on their
18 right to approve over ten boat slips.
19 Once again, we appreciate all you have done
20 involving the relicensing and we're pleased to work
21 with you, and certainly appreciate FERC's duty to
22 process and feel that you have done an excellent job.
23 And we thank you very much.
24 MR. EMERY: Thank you.
25 Sounds okay? You can hear back there all

1 right?
2 Okay.
3 MR. CREAMER: Next speaker is Bob Keener.
4 MR. KEENER: I'll speak from here. I think
5 you will be able to hear. K-e-e-n-e-r. Bob Keener.
6 I've owned property on Lake Murray since
7 '72 and have lived there for over 30 years. I've had
8 the pleasure of working with the Lake Murray
9 Association since its inception 16 years ago. And I
10 really dreaded the relicensing process coming up.
11 And I would just like to say publicly that I think
12 the SCE&G and the contractor, Kleinsmith, that worked
13 with them in conducting this study should be
14 commended for doing an admirable job.
15 It was a very active environment. It was
16 friendly. It was productive. It wasn't always going
17 in the direction that we would like it to go, but I
18 think in the interest of accommodation and
19 considering all of the various interests, that that
20 goal was achieved. The facilitator that Kleinsmith
21 had, the young fellow back there, did an excellent
22 job, I think, in keeping us on track and moving
23 ahead.
24 There were two things that occurred during
25 the relicensing that I'd like to comment on that

1 caused me some concern. The increase bass flows
2 downstream, which led to the triggering mechanism,
3 was brought up at the last minute, relatively
4 speaking, very late in the process. And I
5 personally, I'm not a scientist. I do have an
6 engineering degree, but I did not feel that it was
7 that much scientific evidence to support what the
8 recommendation was. Particularly for the two-foot
9 trigger. I don't think there was adequate
10 consideration of the better than 40,000 people who
11 live around the shores of Lake Murray and the impact
12 of dropping that lake level two feet has on the
13 businesses and on the residents that live around the
14 shores of Lake Murray.
15 I was particularly disturbed by one of our
16 agencies that was a participant, a sometimes
17 participant. The U.S. Fish & Wildlife attended many
18 of the work sessions, but they also were among the
19 missing in many of the sessions. Yet after all was
20 said and done, all the compromises reached, and we
21 had agreed to disagree, if you will, on the one-foot
22 trigger or the two-foot trigger, consensus had been
23 reached. And after the fact, U.S. Fish & Wildlife
24 comes in with a letter to your agency asking for a
25 four-foot trigger. They did not present that for our

1 consideration or discussion. They did not provide
2 any scientific evidence. They came in through the
3 back door. I was shocked. I was appalled, and I was
4 very angry. I'll just be very honest with you. And
5 I don't think it's a proper way to do business the
6 way the license should be presented and conducted.
7 I just felt obliged to make that point.
8 And I'm not the only one that has that feeling, but
9 I'm a little more vocal than some of the others.
10 That's all I have to say.
11 MR. EMERY: Thanks.
12 I remember at the scoping meeting there was
13 discussion about various trigger numbers at the
14 scoping meeting. I remember that two, four, one
15 foot. What else?
16 Fish & Wildlife Service was not a signatory
17 to the settlement either. I just thought I would
18 toss that out.
19 But I appreciate your comments. Thank you.
20 MR. CREAMER: One point that I would like
21 to make is -- Allan Creamer -- we did have a
22 discussion with the Fish & Wildlife Service this
23 morning at our 10J meeting, and that was one of the
24 things that we did talk about. And they will be
25 filing comments relative to what their position is,

1 but it seems like they could be -- they may agree
2 with the two-foot drawdown instead of the four.
3 They will be filing comments as part of
4 their -- with the EA, the comments on the EA. And so
5 we'll see where they're at with it. But we did have
6 a productive discussion with them this morning.
7 MR. EMERY: 10J refers to a section of the
8 Federal Power Act where when there are differences
9 between recommendations made by a resource agency,
10 Fish & Wildlife Service or a state national fish and
11 wildlife agency, we have to meet with them and try
12 and see if there's some other way that we can resolve
13 the difference. Maybe there's new data, maybe we can
14 agree or we can agree to disagree or whatever, but
15 that's what that meeting was about this morning. And
16 it appears that Fish & Wildlife is now in agreement
17 with a two-foot trigger.
18 Okay. Next.
19 MR. CREAMER: Our next speaker is Joy
20 Downs.
21 MS. DOWNS: I'm Joy Downs of the
22 Lake Murray Association. And I just wanted to
23 reiterate what Dave said about the way this has been
24 conducted and the position that SCE&G has taken and
25 how they have worked with all of us who were very

1 diverse in our attitudes. I think, basically, it
2 came out beautifully. I'm very pleased that FERC
3 seemed to be in a very timely manner come to these
4 decisions and didn't drag this on after receiving the
5 draft.
6 MR. EMERY: We were a tad late. The
7 snowfall slowed some of the federal government
8 earlier on.
9 MS. DOWNS: I think you did all right.
10 I have to say from what you just said, I'm
11 shocked as well. It's hard for me to believe that
12 after we went through this for four years, that an
13 agency can stay outside the realm of the license and
14 walk in and their comments are acceptable. I'm
15 disappointed in that.
16 Thank you.
17 MR. EMERY: Thank you.
18 Next speaker is Dick Christie.
19 MR. CHRISTIE: Good evening. My name is
20 Dick Christie. I'm with South Carolina Department of
21 Natural Resources.
22 My comments are very short. I just wanted
23 to say that we really appreciate the good work that
24 FERC staff did with the EA. We agree with the
25 issues, majority of the issues that were identified

1 and the analyses and how they were presented in the
2 EA. We agree with the majority of the
3 recommendations in the EA.
4 We will file some comments, written
5 comments. They will be relatively minor, but they
6 will be submitted by May 10th.
7 MR. EMERY: Great. Thanks very much for
8 your participation.
9 MR. CREAMER: Our final person who has
10 signed up is John -- I'm sorry, having difficult time
11 with the last name. It's Frick?
12 MR. FRICK: Yes, that's correct.
13 MR. EMERY: Can you spell it so our
14 recorder will know how to spell.
15 MR. FRICK: F-r-i-c-k.
16 I want to thank you for the time. The
17 history of my family goes back on the Camping Creek
18 Watershed back to the mid 1700s, long before the
19 predecessors of SCE&G built the lake. I have a deep
20 love for the land, and I want to see the lake
21 preserved.
22 As I reviewed the FERC environmental
23 report, all the complex issues that it addressed, it
24 reinforced the reality that the proposed solutions
25 were misdirected. Not really by a protective lake or

1 correcting environmental problems, but rather focused
2 upon protecting and enhancing a future revenue stream
3 for SCE&G.
4 As a relatively simple man without
5 significant resources, how does one respond?
6 Through the relicensing process many were
7 allowed to speak and offer valid solutions, but they
8 were largely ignored. Again, how to respond? I was
9 drawn to two timeless tomes, one secular and one not.
10 The secular one was written by Robert Fulghum. Some
11 of you may recognize the title. Everything I Need to
12 Know I learned in Kindergarten.
13 Three of the principles that were espoused
14 seemed most appropriate for the current situation:
15 Number one, play fair, don't take things that aren't
16 yours; number two, share everything; number three,
17 clean up your own mess.
18 Now, how many of you remember the common
19 techniques of sharing used when you were a child?
20 When sharing something that had to be divided, one
21 would cut and the other would choose. My mom taught
22 me that. I'm sure many of you did, as well.
23 The practice ensured that the division was
24 as close to equal as possible. It also meant that
25 neither party could effectively complain since both

1 parties exercised free choice during a process that
2 embodied the first two principles of sharing
3 everything and playing fair.
4 Now, you may be thinking how does this
5 relate to the lake preservation? Well, you see,
6 SCE&G divided the lake in a manner that unfairly
7 favored its own property holdings and service area.
8 This was done to boost the revenues and ensure that
9 the detrimental affects of those decisions would fall
10 to others. Their decisions have disproportionately
11 had an adverse effect on property values and the tax
12 base in Newberry and Saluda counties.
13 To make matters worse, they violate federal
14 FERC regulations by making land purchase a
15 prerequisite to obtain a dock permit. FERC
16 regulations only rely on modest fee to cover the cost
17 associated with the issuance of a permit. Typically,
18 this is on the order of a hundred dollars or so.
19 Effectively, what SCE&G has done is create
20 a monopolistic real estate business by forcing sales
21 of fringe land. In most other FERC regulated lakes,
22 dock permits could be obtained without land purchase
23 thereby preserving a natural shoreline without
24 destroying the property values of others.
25 Why can't this be done at Lake Murray?

1 What a mess.
2 The scenic buffer is fine with me, and I
3 have no problem with it. However, it is not a
4 protection against erosion as advertised since most
5 erosion occurs at the shoreline, not 75 feet away.
6 Now, it may not be visible to you from
7 Washington, but the greatest threat to water quality
8 occurs below the 360 elevation, which is SCE&G's
9 responsibility. One only has to look at the loss of
10 habitat due to erosion on Bomb and other islands to
11 know that if something isn't done, the barn swallows
12 and the swifts, regardless of federal protection, are
13 going to have to find another place to roost.
14 What a mess.
15 It is also interesting to note that some of
16 the homeowner associations support the proposed
17 shoreline management plan so that they will have a
18 place to go to the lake and seek solitude. I think
19 this is a good idea, but many of these same people
20 purchased as little as a quarter of an acre of land
21 with their neighbor's house less than ten feet from
22 their own who would like to find their solitude by
23 interrupting mine. They seek to deny others the same
24 opportunity to live on the lake that they now enjoy
25 while demanding the use and enjoyment of property

1 preserved at significant expense by others like me.
2 FERC considers the cost of preservation
3 unavoidable, and you are correct. However, the costs
4 are misplaced. When they're allowed to be shifted to
5 private citizens, surely it's only fair that these
6 costs should be borne by the company that benefits
7 financially from the use of public resources. SCE&G
8 was given a monopoly in the area in order to serve
9 the customers, not so that they can prey upon the
10 public.
11 What a mess.
12 Which brings me to the third point. You
13 need to clean up your own mess. This, SCE&G has the
14 power to do, they just lack the will to do it. SCE&G
15 owns hundreds of acres of land adjacent to the PBL
16 that carry a very low cost basis and would provide
17 natural wildlife habitat for a full range of small as
18 well as large species. These lands will provide a
19 large enough place for people to enjoy the lake in
20 solitude and get away from it all.
21 SCE&G, if they wanted to be fair, would
22 donate their own land, not mine and others like me.
23 To get DNR support, SCE&G gave public
24 access to several thousands of acres of land that
25 they own off the lake. However, if the relicensing

1 process is about the lake, and SCE&G has hundreds of
2 acres of land adjacent to the PBL, then the land
3 should be given -- that is given should be on the
4 lake.
5 The rest of the undeveloped land should be
6 treated equally. No more private docks which disrupt
7 the shoreline. No more forced sale and loss of
8 fringe lands. Rather to serve the adjacent the --
9 rather to serve those living adjacent to the PBL,
10 isolated multislips and boat ramps should be
11 permitted based on the length of shoreline preserved.
12 No more discrimination, no more confusion, no more
13 mess.
14 One final point with the nonsecular or
15 theological basis I mentioned earlier. There is a
16 God in heaven. He's a God of grace to the repentant
17 and a God of justice to the nonrepentant. History
18 repeats itself not because we fail to learn the
19 lessons of the past, as my history teacher once
20 taught, but rather because God is perfect and without
21 change. Therefore, he handles situations
22 consistently through time, creating repeated patterns
23 we all observed in history.
24 One recognizable pattern is the correcting
25 pendulum swing of the justice. No matter how

1 forcefully an individual or organization unfairly
2 pushes that pendulum, there is always an invisible
3 hand to bring it back to center. Although it often
4 takes time, the pendulum will come to rest at center
5 following the removal of the upsetting force.
6 Individuals, organizations, companies, and
7 governments which take advantage of the small and
8 weak and do not self-correct by cleaning up their own
9 mess inevitably sew the seeds of their own demise.
10 We all are individually accountable for our
11 actions. There will be no policies, procedures or
12 organizations to hide behind. Life itself is a test.
13 We all have to choose. Those who follow directions
14 contrary to conscience and character in exchange for
15 a paycheck and a promise of future retirement will
16 find themselves in possession of neither.
17 However, if we choose rightly, no matter
18 what we're up against or how small or unimportant we
19 may be, we have two absolute promises from God. How
20 many of you know what they are? They are found in
21 Proverbs. First, there will be rectification.
22 Rights will be wronged. And second, those who are
23 wrong will live to see it happen.
24 I look forward to tomorrow and to the
25 tomorrows after that. And I'm open for questions if

1 any of you have any.
2 Thank you.
3 MR. EMERY: We do have one more person
4 signed up late. Beth Trump.
5 MS. TRUMP: I wish now that I'd prepared
6 some remarks like Mr. Frick. I want to qualify by
7 saying I know you all have been through years of
8 negotiation, and I think you've all hung in there and
9 persevered. And I really appreciate that.
10 I also want to say I work for SCE&G, and I
11 work with a lot of these guys in the room. And I
12 know there are not going to be any repercussions to
13 me standing up and saying my peace. But I feel like
14 I need to.
15 We bought 35 acres on Clouds Creek in 2008.
16 And we, both me, my mom, my husband, my dad, who is
17 now deceased, we are Clouds Creek Properties. It was
18 kind of a dream of ours to buy it, so we did. We
19 mortgaged a couple of houses to do it, and we bought
20 it thinking that we would be able to get docks on the
21 shoreline as a result of the land use classification
22 on the fringe land, which was future development.
23 So we made some pretty significant, for us
24 anyway, improvements to the property, and then we
25 built a logging road in there, cleared out a piece of

1 property. And we're building a shed now. And at the
2 filing -- at the license filing last summer, SCE&G
3 filed. The fringe land in front of us was future
4 development, which, as you all probably know, makes a
5 pretty significant difference in what kind of dock
6 permits, if any, you can get on the fringe land. So
7 we were happy with that filing and went along with
8 it.
9 In November, SCE&G made a special filing to
10 change the classification in front of our property to
11 forest management. Which means now I understand that
12 we may be able to get one dock permit, if that's the
13 situation, but it makes a tremendous difference
14 value-wise to us and to our 1,800 feet on the project
15 boundary line on Clouds Creek. And Clouds Creek in
16 that area is 3- to 400 feet wide. It's not just a
17 little creek.
18 So I guess what we want to do, my mom and
19 I, and on behalf of my husband, is just say that we
20 object to the change in that classification. It's
21 probably too late by now. We didn't intervene just
22 to be able to get our say in. At this point what we
23 want is a dock permit. The land, the fringe land is
24 less than 75 feet for 5- to 600 feet along our
25 shoreline. It's not wide at all. But I understand

that if it goes to forest management, they're going to take 25, 30, whatever feet, you know, in order to get a hundred foot setback under the forest management classification. So they're going to take our land in order for us to get one dock permit. We object to that. And I guess that's all I need to say.

MR. EMERY: Thank you.

MR. CREAMER: With that, that was all who have signed up to speak. I guess at this point we'll open the floor for anyone who didn't sign up and who would like to say something.

MS. NULMAN: I just have a general question.

MR. EMERY: Please stand up and tell us your name, please.

MS. NULMAN: You talked about the two-foot trigger --

MR. EMERY: Please state your name and your association.

MS. NULMAN: Cheryl Nulman, N-u-l, as in Larry, M as in Mary, -a-n. And I'm a resident of Lake Murray.

MR. EMERY: Thank you.

MS. NULMAN: You're welcome.

1 There was a lot of talk about this one-foot
2 trigger and two-foot trigger and then a four-foot
3 trigger. And I haven't had a chance to go through
4 all the documentation, but could you just explain to
5 me what the lake level will have to be at in order
6 for that two-foot trigger to kick in.
7 MR. CREAMER: What I'm going to do is ask
8 Bill to answer that question.
9 MR. ARGENTIERI: She asked you.
10 Bill Argentieri.
11 I guess the main way -- the main way of
12 looking at it is during the summer months, from
13 March 1st through the end of August, when the lake
14 would normally -- the target elevation for the lake
15 would be at 358, the way that the draft EA is written
16 right now, the lake would have to drop two feet, so
17 that would be 356 elevation, before the low inflow
18 protocol would kick in.
19 The one-foot trigger was something that
20 SCE&G proposed. The two-foot trigger was proposed by
21 some of the other stakeholders. And the four-foot
22 trigger that you're talking about was proposed by the
23 U.S. Fish & Wildlife Service. They all pertain to
24 the same issue of when the low inflow protocol would
25 be triggered or would kick in. And the significance

1 of that would be when the trigger is activated, then
2 the minimum flows that are being put into the lower
3 Saluda River would be reduced based on a -- based on
4 a systematic flow depending on the inflow basically.
5 MS. NULMAN: So in laymens terms, 356 is
6 the trigger to open up the gates to allow water to
7 leave Lake Murray into the lower streams?
8 MR. ARGENTIERI: No.
9 MS. NULMAN: No?
10 MR. ARGENTIERI: I did say it in laymen's
11 terms, but okay.
12 MS. NULMAN: I'm sorry. I'm sorry. I just
13 want to bring up another point that I don't think
14 anybody has recognized. That I would like to know
15 the percentage of people that actually utilize the
16 lake water for their drinking water. Because you
17 talked all about the environmental impact with fish
18 and bass, but I don't think that this report includes
19 the fact that there several, probably hundreds of
20 residents on Lake Murray, that if the lake levels
21 were to drop, that it will impact drinking water
22 possibly.
23 MR. ARGENTIERI: To answer your first
24 question, none of these triggers have anything to do
25 with opening the spillway gates.

1 MS. NULMAN: Okay.
2 MR. ARGENTIERI: Everything has to do with
3 water releases from the powerhouse.
4 MS. NULMAN: But at the same time, I guess
5 the lake level will lower, however you do that,
6 correct?
7 MALE AUDIENCE MEMBER: What are the minimum
8 lake level is what she's trying to get to.
9 MR. ARGENTIERI: I'm sorry?
10 MALE AUDIENCE MEMBER: What is the minimum
11 lake level they will go to? Are you going to let
12 them drop to 350, 348 using this trigger all through
13 the summer or shut it off --
14 MR. ARGENTIERI: If there's no inflow, we
15 have a drought condition or a multiyear drought
16 condition, the lake level will continue to drop, yes.
17 There is -- right now there is not a bottom to that
18 elevation just on the lake dropping due to drought
19 and low inflow.
20 Now, saying all of that, the operation of
21 the project, if there's enough water, is going to be
22 based on a guide curve that runs between 354 and 358.
23 354 being your winter months and 358 being your
24 summer months, basically. So all that we're talking
25 about, these triggers and the low inflow protocol,

1 are based on a drought scenario. No inflow coming
2 in, that means, you know, through evaporation and the
3 minimum flow and the water withdrawals for
4 municipalities, if there's less water coming in than
5 that what's going out, the lake is going to drop.
6 MS. NULMAN: Okay. I just -- I'm not sure
7 if this committee has evaluated that, but I think
8 that there is an impact to residents on Lake Murray
9 who do use the lake for drinking water.
10 As for the water level rises and increases,
11 obviously there's sediment that is included in that
12 that a lot of development is going on right now
13 that -- actually that I've seen the development along
14 the shoreline of Lake Murray is not being enforced
15 with silt fences and things of that nature, which is
16 causing the inflow of filth into the cove.
17 I know the cove that I live in, it has
18 impacted the wildlife significantly. When we have
19 heavy rains because of the silt fences and the drop
20 down in water levels, the geese and the ducks and
21 even the fish, you can see have left the cove until
22 the sediment settles. I just want that to be noted.
23 There was also a point, we hear a lot about
24 the quality of providing dock permits, but I just
25 want to make sure that if that's being considered

1 that we also take into account the current situation
2 with docks at this point in time. I go around the
3 lake, and I see a lot of boats with engines still in
4 the back of them that are just sitting there and
5 appear to be sitting there for months, even years on
6 end. And I think that we just need to ensure that we
7 also -- as we provide more dock permits, that we're
8 also checking the fact that there's also
9 environmental issues with boats being not maintained
10 and sitting in water.
11 MALE AUDIENCE MEMBER: Or sinking.
12 MS. NULMAN: Or sinking, yeah.
13 And that was really all I have. I
14 appreciate the fact that I have kind of dabbled in
15 this a little bit. It sounds like everybody did a
16 lot of work. Lake Murray Association, a lot of the
17 residents, SCE&G. So for somebody that works a lot
18 of hours and really doesn't have time to put into
19 this, but it's important to me, I really appreciate
20 everybody's effort to allow people like to me to
21 understand it and come to a meeting like this and
22 have my voice heard, even though I haven't really
23 been an intricate part of this opportunity.
24 MR. EMERY: You still have a chance until
25 May 10th, you read something and decide something

1 else, you can submit in writing to us by May 10th as
2 well.
3 MS. NULMAN: Thank you.
4 MR. CREAMER: We certainly appreciate
5 hearing your thoughts and comments, and we'll take a
6 look at whatever we might have missed in our
7 analysis. If we need to do something, we will --
8 MS. NULMAN: Thank you.
9 MR. CREAMER: -- take a look at it.
10 Any other comments on the EA? Yes.
11 MR. PARSONS: The name is Regis Parsons.
12 MR. EMERY: P-a-r-s-o-n-s?
13 MR. PARSONS: P-a-r-s-o-n-s.
14 MR. EMERY: You're a landowner?
15 MR. PARSONS: Landowner. Shoreline
16 landowner.
17 Let me ask, is this just for statements or
18 can we ask a question at this point?
19 MR. CREAMER: You can ask a question. If I
20 can't answer -- you can ask a question, we'll try to
21 answer it the best we can.
22 MR. PARSONS: All right. I haven't had a
23 chance -- I apologize. I was delayed, so I may have
24 missed some of this. So please bear with me.
25 There is a reference in here to special

1 recreation area. What's a special recreation area in
2 you all's opinion? What does that mean to you?
3 Two Bird Cove and Hurricane Hull Cove. What does
4 that mean to you?
5 MR. EMERY: Isn't that a classification of
6 an area, Bill?
7 MR. PARSONS: What kind of area, a water
8 area or a land area?
9 MR. ARGENTIERI: We've asked that same
10 question.
11 MR. PARSONS: At one point, you made the
12 statement in here that these -- I cannot find the
13 page real quick, but there's a statement to the
14 effect that all the waters are available for
15 overnight boating, including Two Bird Cove and
16 Hurricane Cove. Now, I could see it if you said
17 excluded, but why didn't you say "all" and then comma
18 "include all" which is all?
19 MR. EMERY: I remember having that
20 discussion with my recreation person, but I can't
21 remember why. There's a special reasoning as to why
22 the term "special classification" is there. I'll get
23 back to you with an answer.
24 MR. PARSONS: I would like to have it. I
25 would love to know what you are thinking. And why is

1 it that you say all areas of the lake, comma,
2 including these two areas. All is all.
3 MR. EMERY: I will get back to you.
4 MR. PARSONS: Why didn't you put a period
5 after all areas?
6 MR. EMERY: Unfortunately, my expertise has
7 to be along the water quality and fisheries. But I
8 will get back to you with an answer to that.
9 MR. PARSONS: I look forward to it. You
10 need my phone number?
11 MR. EMERY: Yes, I will. Afterwards you
12 can give it to me.
13 MR. PARSONS: I'll give it to you.
14 MR. CREAMER: A lot of times when we -- you
15 know, we make statements like that, and I'm just
16 talking in general, we want to make it clear that we
17 mean all. And specific areas that are of issue, we
18 want to make clear that includes those as well. So a
19 lot of times we might say, you know, instead of
20 stopping at all, we'll say including da, da, da, da.
21 And that way there's no misinterpretation over what
22 we're actually saying.
23 I've had instances before where we've had
24 questions about, well, okay, does all mean this or
25 does all mean that? So what we try to do is make it

1 clear that all means all, including the areas of
2 interest that people have. So a lot of times if you
3 see that, that is sort of the reason why it's there.
4 Now, having said that, I don't know if
5 that's the situation here. We will look at that and
6 get back with you.
7 MR. EMERY: The issue was brought up at
8 scoping about those particular coves. I think the
9 people who live around there wanted some different
10 usage, and so we addressed it. And I will see why
11 the terminology to "special classification."
12 MR. FRICK: It's a special designation, one
13 out of distinction, so people can go have solitude at
14 his expense.
15 MR. PARSONS: Please, let me clarify. No
16 shoreline owner around there has said we don't
17 appreciate the fact that the waters are available for
18 everybody to boat and anchor. That's not the point.
19 We're just trying to understand, what is it you're
20 thinking? What's so magic about --
21 MR. EMERY: Special classification.
22 MR. PARSONS: -- consistently targeting
23 this.
24 MR. CREAMER: We will try to make that a
25 little more clear, explain that a little bit better.

1 MR. SUNDIUS: Karl Sundius, S-u-n-d-i-u-s,
2 South Shore Marina on Lake Murray.
3 The two coves you mentioned, one is close
4 to my parents' house, and the other one is close to
5 my marina. And I would like to say since you -- and
6 I'm not saying you personally -- but since FERC has
7 classified these two coves as special designated
8 coves, the traffic and the trash and the kind of
9 noise pollution and everything else has greatly
10 increased. You've got -- FERC has -- because I'm one
11 person following some sort of letter or something and
12 getting this special classification that no other
13 cove on all of the 6- or 700 miles of shoreline on
14 Lake Murray have, and there's no real definition for
15 it, people will flock to these. And one, again, is
16 close to my parents' cove. It's not quite as busy,
17 and that's Two Bird Cove.
18 And the other one is Porta Cove, or No Name
19 Cove or -- there's a bunch of different names for it.
20 But that one is just packed.
21 A lot of my customers used to love to kind
22 of -- nice little solitude, some beautiful little
23 cove, nobody really lived on it, a couple of houses
24 kind of hidden. And since the naming of the cove, it
25 has become --

1 MR. EMERY: A magnet.
2 MR. SUNDIUS: -- a new hotspot for people
3 just to come in and party and play and waste tanks
4 have been dumped. It gets nasty. And so really, you
5 know, FERC really needs to relook at that and get rid
6 of that classification and not isolate those two
7 coves, you know, as -- you know, triggers for
8 everybody to go in and just kind of hang out in those
9 coves.
10 Of course, people are welcome to hang out
11 in every cove on the lake. It's perfectly fine, but
12 they need to respect the lake. This is causing a
13 major problem with those areas on the lake.
14 MR. EMERY: I appreciate your comment.
15 MR. CREAMER: Thank you.
16 Are there any other comments on the EA
17 specifically?
18 Okay. Does anybody have any comments in
19 general, procedure, process? Now is your time to
20 ask.
21 MR. EMERY: All right. With that, I
22 appreciate everyone coming out this evening. Thanks
23 very much for participating. And we hope to have the
24 final out in the next month or two.
25 (The hearing concluded at 7:54 p.m.)