BEFORE THE

FEDERAL ENERGY REGULATORY COMMISSION

IN THE MATTER OF:)

SCOPING DOCUMENT FOR)

KINZUA PUMPED STORAGE PROJECT)

(P-2280-013))

&)

SENECA PUMPED STORAGE PROJECT)

(P-13889-000))

Holiday Inn

210 Ludlow Street

Warren, Pennsylvania 16365

Wednesday, February 23, 2011

9:00 a.m.

PARTICIPANTS

GAYLORD HOISINGTON, FERC
JOHN SMITH, FERC
TIM LOONEY, FERC
KEITH BROOKS, Esquire, FERC
EMILY CARTER, FERC
JOHN MUDRE, FERC
TRACY PARKER, U.S. Forest Service
LOIS DEMARCO, Allegheny Forest
REBECCA BOWEN, Seneca Nation's Kinzua Dam Licensing Commission MESGHINNA, NRCE
WOLD MESGHINNA, NRCE
JORDAN LANINI, NRCE
LANA REDEYE, Seneca Nation's Kinzua Dam Licensing Commission
WENDY HUFF, Seneca Nation's Kinzua Dam Licensing Commission
ROBERT PORTER, President, Seneca Nation
BRENDA DEEGHAN, Seneca Nation
DAVE KIMELBURG, Seneca Holdings
WILL MILLER, Seneca Nation
SHANE TITUS, Seneca Nation
LANA LEROY, Tribal Counselor
ARLENE BOVA, Tribal Counselor, Seneca Nation's Kinzua Dam Licensing Commission

JAY MAHER, Kleinschmidt Associates

LAURA COWAN, Kleinschmidt Associates

KATHY KONIECZNY, Winston and Strawn

MORGAN PARKE, Esquire, First Energy Service Company

TOM GROFF, Kinzua Pump Station Plant

REPORTED BY:

CHARLES D. HOFFMAN

PROCEEDINGS

(9:09 a.m.)

MR. HOISINGTON: Good morning. A lot of people may be familiar with this process and who I am and what's going on. But for anyone who's not, my name is Gaylord Hoisington, and I'm here from the Federal Energy Regulatory Commission, from the Office of Energy Projects. And in the Office of Energy Projects, we license new licenses, new applications and relicenses of projects that are already operating, that come up for relicense. That's what we do in the Office of Energy Projects.

And one of the first steps in that process is to have public scoping, and during the public scoping, we hope to get everyone's input. I guess this thing, I can't seem to get it quite the right distance. So in this particular case, on November 24th, First Energy filed a Notice of Intent and a preapplication document, to begin this date, relicensing the Kinzua Pump Storage Project, 2280.

On November 30th of 2010, the Seneca Nation of Indians filed a competing Notice of Intent and competing PAD, also for the Kinzua Pump Storage, and their project is what's named by FERC, or assigned a number by FERC, which is 13889, and they've called

it the Seneca Pump Storage Project.

Now because of the few differences in the project itself and the proposals, FERC staff decided that we would process these two applications together, side-by-side. Myself and the staff that is here will be the staff that will process the two proposals in evaluating the effects to the resource by the continued operation of the project.

Also with us are representatives, of course, from First Energy and, of course, from the Seneca Nation. So we have a brief presentation here that we will be going through, and then we will be opening it up to the public.

Now, I like to start off with people from FERC staff, and then we'll go right around the room with the Nations, and introduce yourselves and tell us a brief, just give us a little, a brief description of what your position and process . . . you will be doing during this process. And I'll start right here with John Smith.

MR. SMITH: Hi, my name is John Smith. I am currently the Chief of the Mid-Atlantic branch in the Office of Energy Projects, Division of Hydropower Licensing.

MR. LOONEY: Yes, my name is Tim Looney.

I'm in the Office of Energy Projects, and I'm an engineer.

MR. BROOKS: Yes, good morning, my name is Keith Brooks. I'm with the Office of the General Counsel, FERC. I'm the attorney on the project.

MS. CARTER: My name is Emily Carter. I'm with the Office of Energy Projects, and I'm an environmental biologist.

MR. MUDRE: I'm John Mudre, also with FERC, Office of Energy Projects. I'm a fisheries biologist.

MR. PARKER: Good morning, I'm Tracy Parker with the U.S. Forest Service, Allegheny National Forest. I am currently the acting park supervisor.

MS. DEMARCO: Good morning, I'm Lois Demarco. I'm the ecosystems staff officer for the Allegheny National Forest, and I'll be involved with this project for the next several months.

MS. BOWEN: Nwaweh sgeno. My name is Rebecca Bowen. I sit on the Seneca Nation's Kinzua Dam Licensing Commission.

MR. MESGHINNA: My name is Wold Mesghinna, and I work with NRCE, and consulting engineer for the Seneca Nation.

MR. LANINI: I'm Jordan Lanini, also with NRCE, working with the Seneca Nation.

MS. REDEYE: Nwaweh sgeno I am Lana Redeye, and I am a member of the Seneca Nation's Kinzua Dam Relicensing Commission.

MS. HUFF: Good morning, my name is Wendy Huff, and I am also with the Kinzua Dam Relicensing Commission.

MR. PORTER: Good morning, I'm Robert Owdawi Porter. I'm the President of the Seneca Nation. I'm glad to be here on behalf of our nation.

MS. DEEGHAN: Good morning, my name is Brenda Deeghan, Seneca Nation.

MR. KIMELBERG: Good morning, my name is Dave Kimelberg, citizen of the Seneca Nation, and also CEO of Seneca Holdings, the investment and project finance company owned by the Seneca Nation.

MS. LEROY: Good morning, my name is Lana Leroy. I am a tribal counselor.

MS. BOVA: Arlene Bova, I sit as the tribal counselor for the Seneca Nation of Indians, and also as a board member for Seneca Holdings.

MR. MAHER: Good morning, Jay Maher, with Kleinschmidt Associates, and we are consultants to

First Energy.

MS. COWAN: Good morning, I'm Laura Cowan. I am a licensing coordinator for Kleinschmidt, a consultant for First Energy.

MS. KONIECZNY: Hello, I'm Kathy Konieczny with Winston and Strawn. We are counsel to First Energy.

MR. PARKE: I'm Morgan Parke, First Energy Service Company, attorney for First Energy Generation Corp., owner of the project.

MR. GROFF: Tom Groff, plant manager for the Kinzua Pump Storage Plant.

MR. HOISINGTON: Okay, thank you very much. Before we open, as I said, we are going to have a brief presentation. We'll review the licensing process, and then Tim Looney will have a brief description of the existing project description and operation as we understand it now. Following Tim's presentation, we'll go through the list of resource issues and proposed studies that have been identified, based on the comments of the two PADs that were filed by the Seneca Nation and First Energy, and we'll discuss some of the criteria that we used to determine what studies are needed, and what studies aren't. Then we'll , kind of, open

it up for questions and discussions and your comments.

Now, we would like everyone to sign in and because we have a court reporter and we want to make sure that this all gets on the record, you have to make sure that you say your name clearly and everything, if you speak, so that the court reporter can get that, and it will be entered into the transcript, and we won't have any misquotes or anything. And these transcripts, of course, will be available online with the E Library at FERC.

And also if you plan to file any written comments, we can take those at the closing of the meeting, and they would be filed too. Also, on page 19 of the scoping document, there is information on how to file electronically or written comments. Really that's what this meeting is all about. So it doesn't do us any help if you don't help us with what your comments are, what your concerns are. So hopefully, everyone will take advantage of all the types of filing information available to you to file those comments, and we can get them on the record.

And another thing, if you notice, in the back of the scoping document there is a list of people that the scoping documents were mailed to. Now,

when we receive information about a document or anything at FERC, when it comes to a project, it's filed under that project number, and there is a service list, and there is a mailing list.

Now when an applicant prepares a PAD or an NOI or a license application, they have a mailing list that they send everyone the information that they are going to be filing with FERC. Not all of that information or those names get filed with FERC. The only ones that get filed with FERC are the people's names that are on that service list and mailing list. So if you want to continue to keep receiving information about this process, then you need to make sure you get added to that mailing list.

Now the funny thing about FERC is people can get added to the list all the time, and it's fairly simple. No one can take that name off of there but you. So if you want your name removed from the official mailing list or removed from the service list, only you can do that. When you want your name added, we also like you to do that too, because you start receiving mailings and the first thing we get is someone calling up saying, "I'm getting all this information and I don't want it." So if you read in the scoping document what you what you need to do,

and that's on page 24, then that will help us get you on this mailing list, and for interveners and other people on the service list. So, so far we've gone through , kind of, an introduction, the process overview and the purpose of scoping, which is to get all of your comments and your concerns. We'll get to the project description in just a moment. We've had a brief discussion of the studies and the issues which will come later. We'll also go over the dates. With this IOP process, we have particular dates that are part of the process. In other words, those are mandatory. Everyone has to meet those dates. I know. What happens if you don't? You get your arm cut off. But any way, that's what we strive for. You always try to do the best you can, and if something happens then you have to make adjustments later on. But with the IOP process, we have certain dates and certain milestones that have to be met, and we try very hard to make sure that all of those dates and milestones are met to keep the process going smoothly. That is one of the major reasons that a few years ago FERC changed this process to this IOP process, so that we could make sure that this process kept moving smoothly forward at an even pace. So, that's important to remember.

And then, we'll open it up later on at the end of our presentation and get into the questions and comments.

Now, here is just a brief slide. There is a copy of this sheet on the table when you came in. The copy on the table has the time frames that are set in between each item that there is. And of course, the one on the table is more involved than the one on the screen. This is basic.

So the first thing we do is, someone files a Notice of Intent. And for those of you that don't - I'm sorry that I left that out - but a Notice of Intent is a notice that an applicant may file, saying that they are sending you information that I plan to file an application for this particular project, whether it be new or relicense or whatever. And a PAD is a preapplication document that gives a brief description of what that proposed project would be, whether it would be Kinzua Pump Storage or any other project in the country or even a project that is not already built. It would give a description of what their proposal would be, and then we would start this type of process with the PAD.

And then we go into the scoping and the process

plan, then we go into the study development plan, which is where in a meetings such as this and after this, the next step is a study plan where we take the comments that we've received plus we take the staff's review of those two preapplication documents and say, "Okay, this study will tell us what we need, this study won't. What are the issues?" And we try to propose a study plan that will solve all the problems that have been brought forth during the scoping process. So that when developing our environmental analysis document, we can cover all of the issues that have been raised. Most of it stays around the environment, fish, wildlife, some of the engineering and it's more, it's more directed toward environmental issues and concerns than anything else.

And then after that takes place for one or two years, then the final application is filed, which usually . . . at that time under this process, we are really supposed to have already covered all of the issues that might come up. And this will expedite the process for the licensing of the project.

Under the other processes that FERC has, a lot of this information comes afterwards, and then we go

through this process after the application has been filed. Or in this case, you can see we almost have a pre-application process, and then it's just a matter going through the steps that have already been covered.

Now, I , kind of, covered a lot of this. In this particular case, we have two license applications or NOI and PADs. I keep calling them license applications, but it's really a pre-application document and a PAD or the Notice of Intent. So, we'll just forget about the Notice of Intent. We know everyone is going to, wants to file an application. So what happened with this, we have a spreadsheet that we put dates in, and when that date comes in, we just plug the date in, and it tell us all the milestones that are we are supposed to meet in this process. And in this case, we have one on the 24th of November 2010, and we have another one on the 30th of November 2010. And we weren't quite sure how we were going to handle that, so as some of you may well be aware, we called everybody in to FERC, and we sat down, and we told everybody that we were to use the first filing date, which was November 24th.

Then we started working on it, and then we

said, "Uh oh, deadlines are going to be hard to meet right now." So we moved it back, and we used the second filing date, which was the Seneca Nation's application, which was November 30th. So right now in case no one noticed, we are going on the November 30th and not the November 24th, as we told some of you we were going to do at that other meeting.

So, we are 60 days out from the filing date and the scoping phase are going on right now, and over the next few months, we'll be working to finalize the future study plans. Once we have approved the study plans, First Energy and Seneca Nation can develop, can begin the studies and they can conduct those studies to begin to build their final application, covering all the issues that, hopefully, we've uncovered during the scoping process.

Now there will be a couple of times for everyone to review those study plans, and to modify them, make changes, decide if this is really needed or not needed, and that will take place over the next year or so. And then the study plan process will actually go on until around November 30th, of 2013. At that time, that's when the filing date of the final application will be presented to FERC, if

this process is followed through. And then, from that point we conduct our process, the environment analysis of those two applications. And then a licensed decision would be expected to be done before November of 2015.

So you also can get more information about FERC's mission and any other information at the FERC website, which would be . . . it's online, but it's www.ferc.gov, and it's wonderful reading from this paper. I love it.

So as I said, we are using this scoping process to evaluate these issues and I guess, let's see, I've covered about everything, the prefiling, your comments. Later this summer we do expect to do a complete tour of the Allegheny Reservoir and private facilities, and I might mention, although I think most everyone is aware of this, there are some concerns about going out to the site visit today that we had planned. There is a concern, safety issues and so we may limit that to a small number of staff members. We know that we can't get to the upper reservoir. I guess we never really planned to go to the upper reservoir. We just thought we'd go to the powerhouse and around the dam. But I think we can make those final decisions a little later on

in, how we are going to handle it. First Energy is concerned, and we thank them for their concern, in that they just didn't , kind of, want to have a large group of people at one time to go out there. Because they do have some concerns, and we are going to be back up here again a number of times. So it would be very good that we might just put this site visit off until later, but we'll talk more about that later.

So I guess at this time, this is the project as we have, that now exists with FERC. The yellow lines, that's the order that is on file at FERC right now. The yellow lines outline all that is part of the Kinzua Pump Storage Project. That's the project boundary.

Now as everyone probably knows, after this meeting today, we'll have another meeting this evening that will be basically just towards the public. Our sign in sheets will be a little more involved, and people will get to talk in front of the, to the reporter, and we'll listen to everyone and give, basically, the same kind of presentation tonight for public input. And then tomorrow, we're going up to Salamanca, New York, and we're going to have another one of thess meetings up at the Central

School District, one of their buildings, as outlined in the scoping document. And at this time I think I would like to turn this over to Tim, that's another, kind of a larger, it , kind of, shows where it's located in Pennsylvania in reference to New York. He can't see too much on that slide, but it does give you more of a reference point of where it is in the state. Tim is going to take over now and go through what we think is the project.

MR. LOONEY: First, I'd like to see is my voice good enough? Can everyone hear me? Because I really don't like this.

MR. PORTER: I think you need to use the mic, sir.

MR. LOONEY: Okay, all right, thank you. The Kinzua Pump Storage Project is located on the Allegheny River in Warren County, Pennsylvania. The project is currently licensed to First Energy Generation Company. The project pumps water from Allegheny Reservoir, formed by the United States Army Corps of Engineers, Kinzua Dam to an upper reservoir. Water from the upper reservoir is released to the powerhouse located downstream of Kinzua Dam. After the water has been used for generation, it can either be returned to the

Allegheny Reservoir or released to the Allegheny River. All generation uses water taken from the Allegheny Reservoir.

The project is located on lands administered by the Corps of Engineers and United States Forest Service. The upper reservoir is located on Forest Service lands and the Allegheny National Forest. The powerhouse is located on lands administered by the Corps of Engineers. The general location of the project is shown on Figure 1 of the scoping document, which was . . . I believe this is Figure 1, if I'm not mistaken, or this is Figure 1. I'm not sure right now.

MR. SMITH: It's the other one, Tim.

MR. LOONEY: This one? Okay.

MR. SMITH: Yeah, it's Figure 2. That's Figure 2.

MR. LOONEY: That's Figure 2, okay. The difference between these two pictures is that this one here came from the Seneca Nation application and this one right here comes from - PAD, excuse me, not application - but this come comes from the First Generation-

MR. SMITH: First Energy.

MR. LOONEY: First Energy, sorry, First

Energy PAD. The layout of the powerhouse is shown on Figure 3 in the scoping document, and this is a copy of Figure 3. The project has three turbine generators with a total installed capacity of 451.8 megawatts and generates approximately 695 gigawatt hours of energy. All hydroelectric generation at the project uses water taken from the Allegheny Reservoir. The powerhouse contains two reversible turbines, Units 1 and 2 and one conventional turbine generator, Unit Number 3.

When filling the reservoir, one or both of the reversible turbines pump water from the Allegheny Reservoir to the upper reservoir. When the project is in generating mode, Unit 1 generates power with water being released from the upper reservoir. Flow from Unit 1 can be released back, is released back to the Allegheny Reservoir.

Unit 2 generates power with water being released from the upper reservoir, and flow from Unit 2 can be sent back into the Allegheny Reservoir or the Allegheny River, downstream of Kinzua Dam. Unit 3, the conventional unit, generates power with water being released from the upper reservoir. Flow from Unit 3 can only be released to the Allegheny River downstream of Kinzua Dam. The project has a

minimum flow release of 500 CFS, which is the scheduled outflow from Unit 3.

The current license boundary, which this shows a little better, the yellow line there. The current license boundary includes the upper reservoir, water conduits, the intake in the Allegheny Reservoir, control facilities, the powerhouse, tail race to the Allegheny River and transmission line to the Glade Substation. The existing project boundary is shown on this figure, Figures 1 and 2 from the scoping document.

At this time, First Energy Generation is not proposing any modifications to the project, to infrastructure, project boundaries or modifying project operation. The Seneca Nation does not propose any changes in the project facilities or project operation at this time. The Seneca Nation's proposed project boundary would include the area defined by the original FERC boundary, as well as all areas encompassed by the Allegheny Reservoir at maximum storage elevation of approximately 1,365 feet above mean sea level, and all transmission lines connecting the project to the regional transmission system. That's everything I have.

MR. HOISINGTON: Thank you Tim. So, there

you have that. Okay, so the next couple of slides, yes, okay, here is . . . in our scoping document, Section 4.2, I believe it's pages 13 or 15. I have it written down; I know that's what it is. We listed environmental issues and concerns that FERC plans, the staff here that you see, plans to analyze in the environmental document.

Now this doesn't necessarily mean that this is all there might be, but this is a basic list of the resources that we use when we are doing environmental documents. And we have geology and soils resources, if there's anything in that area that we receive comments on or in this case, in reading the PAD in the proposed study plans, then we would have a section or will have a section in the EA that will cover that. The aquatic resources, which basically any hydroelectric project that we all know, we deal with this everyday. This is , kind of, the cornerstone of hydroelectric projects, is the aquatic resources.

That would take in all of the fishery issues plus the water quality issues, and then we have terrestrial resources. I didn't mean to imply that none of the other resources are important, but when you talk about hydroelectric, being on the river,

and that's the water, the fish are the main issues.

Of course, we do have rare, threatened and endangered species that might be in the water, might be on the land. In a project that's not proposing much construction, we probably wouldn't have to spend a lot of time on those issues, unless of course, there were some raptors or other fowl that were getting electrocuted by the power line or something, that we might deal with and have an applicant provide prevention measures.

During the process of a new license, that might not have been looked at so closely in the original license. Or if it was a new license, it's , kind of, a standard procedure that if they are going to put up power lines that some type of preventative measures be taken if there are those types of birds in the area.

And then recreation, a lot of projects have a lot of room to offer people. If we get comments that maybe more recreation facilities are needed because of the increase in population or something, we would also look at that area. We might provide, within a new license or whatever, to have the applicant provide more recreation facilities for the increased population and increased recreational use

on a lake or river or such.

And then land-use and aesthetics. We like to keep things looking as best as we can. If the powerhouse is like out West, they might be, because - and I say out West, because this is one of, actually not one of, this is the first time since I've been working at the FERC since 1991 that I've ever dealt with an eastern project. I was always in the West, and I was in a western group, and we . . . Colorado, Montana, Utah, Oregon, Washington and here I find myself back in Virginia, Pennsylvania and Maryland. So it's a new experience for me to be working in a different type, although most projects are the same. But here in the East, some of the focuses, the issues are not quite the same. Because this project is already existing, and the only proposed changes from either applicant really doesn't involve a lot of land clearing or new facilities at this point, that we know about.

The aesthetics and stuff should stay pretty much the same way that they were right now. And that's something I might point out. FERC uses a baseline for making their environmental analysis. The baseline on a relicense is what is out there today. We do not go back to preproject times. We

use . . . this is the existing environment we work with. What's there today? The project is there. This is there. That's there. That's what we use as a baseline. We've had times when people want or have tried to go back to pre-application times, and we don't figure that into the analysis of something that is already existing.

The call for resources in this area. I'm sure all of us would agree are high priority in this particular project. Although the disturbances that would be anticipated at this point for just continuing the operation might be not as high an impact as they would be if this were a brand new project and someone were going to go out there and tear up the ground today.

And then also, Tim and the others, some of the staff will be looking into developmental resources of the project in relation to the engineering and what the project produces power and how that compares to what the cost of the environment is. And maybe I misspoke on the that, but I'm sure somebody will tell me. At this time, First Energy and Seneca Nation intend to conduct several relicensings.

And as I mentioned earlier, over the next few

months, we'll be determining what studies were needed. There were a number of the studies that are outlined in the scoping document on page 16 and 17, and for this particular slide, we didn't include them all. But they are basically in those five areas of the project operation, the water resources, fish and aquatics, and the other two, and all of those studies, the studies that were proposed in the PADs, fall into one of those categories.

At a later time of course, we will determine which studies are needed and which ones aren't, and staff, the people sitting at this table, we may have our own studies to add to the studies that have been proposed by the Seneca Nation and First Energy.

So, I think we can go to the next slide. Now this is a type of criteria that we kind of, use to determine which studies are needed or not. We identify the study goals and the objectives. What is this study going to show us in comparison to the environment? We consider the resources management goals, and how to manage the resources that are there and existing. We take into account all the existing information that we have at this time, plus all the information that comes in as a result of these scoping meetings. And we also look at the

nexus, the project operations and the effects, and the methodology consistent with accepted practices. In other words, we, kind of, stay with methods in performing studies that have been used previously, so that we're not just, kind of, out there fishing in the dark for something to go somewhere, where it's not going to be helpful in developing the environmental document in determining the effects of this project on the environment.

The consideration of the level of effort and cost. A lot of studies cost a lot of money and some don't cost quite so much money, and you have to balance if the studies are going to be sufficient. We don't necessarily go with bigger is better. We like to know what we want for an answer before we go there.

MR. SMITH: This is John Smith. I just want to make a comment about that slide. For those of you that intend on filing study requests with us over the next month or so, it's very important that you address all those criteria in your letters. It makes it a lot easier for us to evaluate whether it's an appropriate study or not. I mean, this applies to us as well. We have to do the same thing if we require or request any studies. But if you

can even, just set up your study requests in that format, following those criteria, it would be very helpful.

MR. HOISINGTON: Okay. I guess we can move on to the next slide. "Dun, dun dun, dun." Here's those dates I was talking about. So, the study requests are due at the end of this month. Well, I'm sorry, I'm still thinking this is March. At the end of March, and then as you can see, in all these dates, basically at the back of the scoping document, this has been outlined for everyone also. It's not in this form. It's in a little different form, but there is a sheet back there that gives everyone the dates that we're aiming for. And right now, the request would be due in on the 30th. Then the proposed study plan would be on May 14th, and then, we would have a meeting in June, another meeting in June to discuss the study plans that have been proposed by Ferc staff, First Energy, Seneca Nation and anyone else that we've received a valid - and I don't mean to imply that it's not valid - but something we've determined that needs to be looked at, request.

And then after that meeting, you would make your response by August, and then at that time, when

we get the comments back on that proposed study plan, we might have some additions or corrections or changes or whatever. And we would make those and then we would issue this revised study plan, and then we would make the final decision on the . . . issue a letter on that plan on October 11th.

MR. SMITH: One more thing. Just one other thing. I mean, our intent is that we are having simultaneous IOP proceedings. So, like for the study plan meetings on June 13th, we're going to try to arrange it so that we have the First Energy meeting and the tribe meeting the same week, just so it's convenient for everybody. If there's something else that you think we should consider, a different type of strategy, please let us know, but that was our intent.

MR. HOISINGTON: Okay, thank you, John. Also we do know, and just to make sure everyone understands, we are planning another visit, and I think I said this already, to look at the reservoir, make sure we get a full view and picture of what's there for project facilities now. And because this is February in Pennsylvania, we might have to put that off. And that would come some time, hopefully around in the spring and early summer, so that we

would all have an idea of . . . I mean if this were a June or July meeting right or probably even May, we'd be doing a lot of the site visit and the reservoir would be planned at that time. But because of the weather and the way things are, when we met with First Energy and the Seneca Nation back in our offices a month or so ago, we talked about that we probably would have to have more meetings. So, we're hoping for a site visit at that time, because of the weather, and we're hoping to combine some of those with these study meetings that we are proposing up here. So, that is about it.

A couple more things quickly. Your comments are due on November 30th, or March 30th, 2011, from this scoping meeting. And if you want to be put on that official mailing list, make sure you get a scoping document and get your name put in, so you can start receiving the mailings. If you don't want to receive any mailings and your name was on the list, then you might want to have it removed. Now, I think at this point, John?

MR. SMITH: One more thing.

MR. HOISINGTON: John's got one more thing.

MR. SMITH: If you would like to get

things electronically, there is also E Subscription available, and those instructions for how you E subscribe, that's located in the scoping document as well. And just make sure, if you want to look at both project proceedings, you'll have to use both numbers. So, E subscribe to both project numbers.

MR. HOISINGTON: Okay, thank you, John. Okay, so I think that about concludes our little presentation at this time.

MR. SMITH: We can do this now or later. Can I get a show of hands of anybody that may not be back in the spring and would like to see the powerhouse? Because they said they can work in a limited number of people.

MR. PARKE: For the benefit of the court reporter, Morgan Parke, First Energy Service Company. We are able to conduct tours of the plant today, but I wanted to give you just a little background. The background begins with understanding the annual power generation cycle. The peak demand for power is in the winter. It's called the winter peak and in the summer, the summer peak. If you're a power generating company that means you perform scheduled maintenance in the spring and autumn months.

We have scheduled maintenance cranking up for a large project at the plant this spring. These maintenances and outages are scheduled months or even years in advance. The current project was scheduled a year in advance.

When you get to the powerhouse, you'll see that it has been partially disassembled, and also much of the floor space is being used as a construction lay down area. That's where you lay down all of the parts that you are going to work with it.

Because of the need to have the power generating station reassembled and operating during the summer months, these things are tightly choreographed and everything is done per very long and thorough checklists. All of which is a nice way of providing the background information that we can only accomodate five individuals at a time during the tour today. That means that we will move groups of five individuals through the plant. Tom Groff is the plant manager. He has authority and operates the plant, of course, subject to all of the safety and the pervasive regulations.

I think that's a nice way of saying that while we would like to have limited numbers, we will conduct tours until the end of our period has

expired for conducting the tours. What time was that? Two o'clock to four o'clock. So, folks who want to go on the tour will need to be in the parking lot by 2:00 o'clock. We'll take you through in groups of five.

Also, because this power generating station is interconnected to the electric transmission grid, there are electric communications materials at the plant, so they can communicate with the grid. Because of those information, some of the security requirements around that, we will need everyone to sign in and offer a government issued ID. We are aware that the Seneca Nation issues it's own government issued IDs, and we will accept those. If you don't have the ID, you don't go on the tour.

Also, it's important to follow Mr. Groff's instructions strictly, to preserve the safety of all the individuals. If you don't want to follow those, you don't go on the tour, or you are removed from the tour. This is an issue of safety first for everybody on the tour. We trust that the room is filled with adults and everyone understands how that will work.

Lastly, you will need appropriate footwear. High heeled shoes probably are not going to be

appropriate. Are there any questions?

MR. HOISINGTON: John, could you get a number?

MR. SMITH: What's that?

MR. HOISINGTON: Could we get a number of how many are interested?

MR. SMITH: Well, that's what I was going to see. How many are interested in the tour today, as opposed to the spring or the summer? Are there any members of the public that would like to go that don't have IDs? Because that sounds like a-

MR. PARKE: Driver's licenses are acceptable. I'm sorry for the confusion. We will welcome as many individuals and run as many phases of the tour as we can, and we want you to understand that it is open to everyone who would like to attend. There is limited parking at the parking lot, due to ice removal issues, but that's beyond our ability to control.

MR. HOISINGTON: Thank you. Okay, so if after this meeting anybody interested could meet in the parking lot as Morgan suggested. At this time, I would like to turn the meeting over. President Porter of the Seneca Nation is here, and he has a few words to speak to everyone. And so we would

like to have him come up here, and I'll turn the meeting over to him.

MR. SMITH: And then any other agencies.

MR. HOISINGTON: And then after President Porter speaks with us, then any other agency or anyone that wants to talk, please let us know. We'll make sure you get the microphone so that the court reporter can hear and listen to everything and everyone else can too. President Porter?

PRESIDENT PORTER: Thank you, good morning. Nwaweh sgeno. I'm glad to be here and I'm glad you're all well.

This is a historic day. Two hundred seventeen years ago our nation entered into a treaty with the United States. And on behalf of the Seneca Nation, we welcome you, because you are here on our aboriginal territory. And because of our relationship, and because of the value of that treaty relationship, we view you as important representatives of your president, Barack Obama. As you are here today on behalf of your responsibilities under your laws, and with respect to the treaty that is entered into between your government and ours.

This is an important relationship. It's one

that defines our existence on a daily basis, because of the promises that were made by your very first president. Hanoda Ganyas, the tongue destroyer, George Washington. He made promises to us in this treaty, this treaty that is rooted in the very first relationships between your new government and ours at a time when we were not at peace, at a time in which we were in crisis and we were in conflict. And your nation made promises to us that you would respect our land boundaries, that you would define them within your understanding, in a way in which we would be recognized in what is called under that treaty, "The free use and enjoyment of our lands."

That is a promise that the United States made to no other indigenous people, other than the six nations of the Haudenosannee, which includes the Seneca people. The language, "Free use and enjoyment," is a language that recognizes the power and authority and the sovereignty of our nation that is unmatched with respect to any other. It is relevant and important, because that treaty also defined a promise. That you would no longer seek to acquire our lands as of 1794. And unfortunately, that promise was broken by your government. A promise that we cannot forgive you for, but we can

acknowledge and try to move forward.

The pump storage facility is an integral component to the dam and is an integral component to the reservoir. The reservoir that, but for the taking of 10,000 acres of the usable land of our nation, you would not be able to operate the flood control project, nor would this storage facility be operable.

And so from the matter of intuitive logic, we feel that it is very important that the project scope be expanded, and we ask of you why can not and why will not that project scope be expanded to include its impact on our nation.

We will, in the course of today's presentations and in the course of the weeks and months to follow, provide you with additional information that validates and supports our position with respect to why the project scope needs to be expanded. But it is fair to say in a way that is a daily occurrence to our people that the dam and the pump storage project affect us. It affects who we are as a people and the ways in which we have survived and sought to survive these last 50 years. It affects out lands. It affects our waters. It affects the wild life. It affects every aspect of our

existence. It is a daily occurrence that we are reminded of what happened 50 years ago.

I realize that much of what I am sharing with you, in terms of how you are processing and in needing to follow your laws to administer your view of this project, does not require of you to look far beyond the 217 years of history. But we do believe that it is an essential ingredient of the promise that George Washington made to us, that we would be treated as a sovereign nation and recognized as such, and that we be allowed to move forward in peace as brothers and as sisters into the present day.

There will be information shared today about why we believe the Seneca Nation can absolutely operate this facility. We believe that it is a matter of assessing a scope of responsibility and stepping up to meet that responsibility. And we have done that time and time again in our history. We have not only survived, more so in recent years, we have started to thrive and recover from the damages that have much been the result of the Kinzua experience. We will share with you why we believe and our plan for becoming the operational partner of the United States.

Before I turn it over to the other representatives who are here today to share with you the different ways in which we believe this project affects us, and the reasons why the environmental considerations that you must consider have to include the upper reservoir and the impact on our lands and our people. I want to just leave you with our view that we are not talking here about anyone owning the pump storage facility. This is a license that is in the public trust of the United States, and it is lent to someone. And it was lent to First Energy for 50 years, and then there will be another decision about who is to be given that trust and valuable resource for the next 50 years.

We are your treaty partner. You trusted us 217 years ago to care for your nation, to care for your people, at a time you needed our help. And we will promise you that if we receive the license, well, you can trust us again to exercise our responsibilities to you and your people in a responsible manner as well as care for our neighbors and our friends, who we have lived with for a long time and will continue to do so in the future.

So with that, I want to thank you for your time this morning to make opening remarks, to welcome

everyone who is here, and to wish you well today, as you convey your understandings and your thoughts and ideas. I look forward to future discussions, and on behalf of our nation, the Seneca Nation, I want to say thank you, Nwaweh, for your time this morning.

MR. HOISINGTON: Thank you, thank you very much. I guess at this point, we would like to turn it over to anybody that . . . I can bring the mic to you.

MS. DEEGHAN: Good morning everyone, my name is Jowandi (phonetic). I am from the Turtle Clan. My English name is Brenda Deeghan. I am going to share with you some information that is very relevant to the boundaries and the negative impacts of this project.

Just to give you a little history. When I was a child, I never knew this was going to happen to our people. I didn't know it was going to happen to our homes, or our lands, to our fish, to our medicine plants, to our deer, to everything that we had which we used as a way of life, which we used in our traditions, in our culture, in our healing. This all existed before the dam. One day, I sat in school as a young child, and my teacher looked at me with no feeling that all and said, "One day, this

school will be burned down. One day, your home will be burned down, and everyone's home will be burned down, and this won't be here anymore. And what you know now, you're not going to know any more because you're going to have to move."

I had a lump in my throat all the way home, about a 15 mile ride. And I said to my mother, "Is it true? Is it true that we have to move?" And she said, "Yes." And I couldn't even move. I was so traumatized. I was in shock. What I knew of the Allegheny people was that we were rich. We were very rich with the environment, with our soils, with our gardening practices, how to sustain ourselves. And that this river that we had, the Allegheny River, was our lifeline.

So I call it the blood of our people, because now it's buried underwater due to the reservoir. And all those things that we used, my father, my people would fish there. They would hunt there. They would look for the mussels and the clams and the bullfrogs. And they were all taken away from us as a result of this dam.

And we were not told about the powerhouse that would be built, we were told it was flood control. And then, when the Army Corps came through and they

dug up our lands and here's one of the homes. Each house had a number, and the Army Corps went through and set each one on fire numerically, and some people never had time to get their belongings out of their home.

Why do I bring this up to you today? Because I want to share with you, I want you to understand in your heart as much as you can, the negative impact that, that dam, which runs the powerhouse, the negative impacts it had on my people. Not just the moving of community so that this reservoir could be developed, so the powerhouse could be run. It was destroying a total separate and unique culture and way of life, from the food we ate, to the fisheries, to the deer and all of these things.

There was a woman, an elderly woman, who lived next door to me down the old road. She had running water. She didn't have electricity. She did not have heat. And when we moved to our new homes, which were back to back, a way we never lived before, I asked her, "How do you like your new home? You have heat and water and lights now?" She replied, "I don't like it at all. I have no place to put my medicines." For she was a medicine woman, and she helped to cure a lot of people.

The list goes on and on. Psychologically, we were impacted. We were wounded as a people. We grieved as a people, and we became very angry as a people, that this was done to us.

There was one woman, an elder, who would walk almost 13 miles to get back down to her old house that didn't exist anymore. And as many times as they took her back to her new home, she wandered back again, trying to find that old home she had, her old homestead, trying to find her culture, her way of life, and it messed with her mind because this new way of life, she couldn't understand. She did not want.

The intensity of the way of life we had, of our cultural uses of that land, of our water. Our water that was given to us, promised to us to never be disturbed again, so we could stay there and live the way we always have. Broken treaties, broken promises, hidden secrets. I'm going to ask you to expand the boundaries of the project. Based on what I have just told you, the negative impacts it had on all the lands under 1365, because this is the way that it can be remedied and equality and justice to the Seneca people. Nwaweh.

MR. HOISINGTON: Any one else?

MS. MILLER: (Words spoken in the Seneca language) Greetings, Darlene is my English name, and I am happy to be here this morning, and I welcome everyone.

I come to you and would like to make a comment in today's session, as a mother, a grandmother, a great grandmother, a titleholder, safe keeper for the Haudenosannee, the Long House, the Long House people, and the tribal council. I come to you today to make a comment about, it was our land and our water that made the power plant what it is today. And this project, this Kinzua project, left so many of our people with pain and suffering due to this project, due to the removal from our lands. It was our land and water that we were given free use of in the treaties. As a stakeholder in this project, I would like to share with you the impact of the un-inundated lands that the Senecas enjoyed for 200 plus years. Before the virgin waters of the Allegheny River were interrupted by building of the dam, the free-flowing water was a valuable resource that connected our people with the environment.

We used it for fishing, hunting, medicine plants, our fruits and berries that affected our culture because they are no longer there. We had to

look elsewhere for the fruits and berries in our medicine plants, and we do have them, but at that time, they were right in our backyard. And I was a teenager when this was going on, and my grandmother was part of the movement to stop the building of the dam.

She traveled many times to the city. She got on a bus and went. I went with her as far as watching her get on the bus and come in, and I heard the elders talking. I heard the elders talking and it was heart breaking. And it was all . . . but it was not as heartbreaking as it is to see and witness, as Brenda said, the homes that were no longer there within our lands.

Now 50 years later, the Seneca's are still trying to heal from this. And it is disturbing to me that the boundaries of this project does not include those valuable lands of 1365. In honor of our ancestors who made the sacrifice, who were disturbed and removed from their final resting place, I ask this question of the U.S. government. Why they did not think to offer the power license to those who lost their valuable resource? I ask at this time that the boundaries, the boundary be modified to include the 1365 lands.

Kinzua is now a part of our history. We teach it to our young people. We show them what was there, and how it used to be. We have survived this long, and we will continue. As Indian people, we are (words spoken in Seneca language) and we will be here for another 200 years. Now I'm done with your time, thank you.

MR. HOISINGTON: Anyone else?

MR. TITUS: Hi there everybody, my name is Shane Titus. I'm the conservation officer and also fisheries manager for the Seneca Nation of Indians. I'm, kind of, here to touch on some of the environmental impacts that we witnessed over the years. Both ourselves as a Department and also from studies which are still ongoing with the cooperation with New York State DEC biologists, also U.S. Fish and Wildlife Service biologists.

There's a number of issues that we have deemed critical to our environment, to the waters and our resources. One, for the most part, would be our erosion that we have on our shorelines. Shorelines are not stable due to water level fluctuations. Trees, brush, shrubs can't take root because they don't have a water table. They're not germinating, so our shorelines are really, really fragile.

Sediment, silt accumulation has been going on for well over 40 years up in the areas in which the Allegheny River flows into the reservoir. Sediments and silt have been covering critical habitat for fish, both structurally and items such as stumps, trees, gravel beds, thus making the upper portion of the reservoir even shallower water, causing water to warm faster during the summer months, causing algae blooms, forcing fish to seek more hospitable waters in deeper, colder areas, which are more towards Pennsylvania, the Ovell (phonetic) area.

Other areas of concern with the water fluctuation, especially in the springtime, is some of the spawning areas, some of the inlets and outlets of the reservoir. There is a number of fish species, amphibians, insects, who lay their eggs on stems and leaves and stuff of vegetation which is under the water during the springtime. The water level is fluctuating, thus far making that whole spawning process nonexistent.

I apologize for my voice here. On top of that, we have been continuing to do some studies on some very critical species that are present in our waters. One would be the paddlefish, which we've been working with the DEC in reintroduction to our

waters. It is a very important fish which is endangered. It was extinct from our waters after 1919, and we've just been successful in the reintroduction of that. The protection of habitat for the paddlefish are of the utmost importance.

To go along with that, we've also been doing studies on Hell Benders, which are an aquatic amphibian, very rare, only known to be in two areas, two rivers, in the state of New York. Known to be endangered in the Ozarks, and critically listed on federal. So our efforts to keep them off the endangered list, along with assistance from other agencies, we're trying to keep that en route. Besides the Hell Benders, there is also fresh water mussels, which we have been doing studies on in the upper Allegheny River by Salamanca, which we would like to have expanded down into the lower areas.

There is the Rayed Bean that is an endangered mussel know to be in our Red House River System. So there's another area of more studies we'd like to have completed.

I'm not going to just come up here and start saying all the bad things. I'll give you an idea of some of the things that the Conservation Department and the Fisheries Division has been trying to do to

rectify the situations with the limited control we have of our waters and the water fluctuations.

We've begun construction of a Walleye hatchery over the summer last year. Hopefully, it will be completed by the end of summer this year to help replenish the Walleye, a game fish, but also a very important, very critical fish for our people during the spring months. We still seek the Walleye for our sustenance, and the Walleye populations have been depleted drastically over the last couple of decades.

Besides that, we have begun an aggressive habitat and structure planning projects on the reservoir. We have already put Christmas trees in the reservoir to provide some habitat which has been eroded or covered with silt for the last four years. We're trying to provide a little bit of maintenance in some of these areas where the silt has been coming in and covering gravel beds. With assistance with the other agencies such as the DEC and the U.S. Fish and Wildlife Service, we plan to keep the project going as we can. We're trying to maintain, trying to keep everything going as well as we can. So to that end, we also would like to have that, the boundaries, expanded accordingly, so we can address

some of those issues and have more of these studies done. We have a lot of critical wildlife in our areas and it needs to be protected, and we need to be caretakers of our lands and our wildlife and our species. So I thank you very much, and thanks for coming.

MR. KIMELBERG: Good morning everyone. My name is Dave Kimelberg. I am a citizen of the Seneca Nation and a member of the Bear Clan. I also have the honor and privilege to be the CEO of Seneca Holdings, which is the investment holding company in Seneca Nation. I returned to the nation about two years ago when Seneca Holdings was formed, after a long career on Wall Street and in Boston private equity and venture capital firms.

What Seneca Holdings is, because I think it's relevant to the discussion today, is again, it's the investment holding company of the Seneca Nation, who's stated purpose is to diversify the revenue streams back to the nation, beyond our successful related gaming and other nonrelated businesses. We were committed capital by the nation to deploy in interesting investments that again, will diversify the revenue streams back to the nation.

Again, we've been operational for two years,

and we've accomplished a great deal, which I think speaks volumes about the capability of the Seneca Nation, and is relevant to today. In these two years, we have established five successful operating subsidiaries. We have passive investments. We have built a very sophisticated management team and board that is now nationally known.

One of the subsidiaries we established recently is a company called Seneca Energy. Seneca Energy's objective is to create renewable energy projects on the nation's land and off the land. We are focused on biomass, wind, solar, geothermal and hydropower. Our plan is to go to the market with respect to the Kinzua and seek a partner with experience and resources in operating a hydroelectric power plant. And combined with our very sophisticated and professional management team, we will leverage that partner to deliver a very good company that can effectively and efficiently operate this plant.

I've been following the relicensing process and read the preapplication document and the scoping document of course, and have some real concerns. I think there's a real disconnect between the economic benefits and burdens. All of the economic benefits flow to others, not the Seneca Nation, not its

people. The money, the recreation, all of these benefits, we do not see. However, we suffer all the burden. Ten thousand of our acres were put under water. Our people were relocated. You have heard some very powerful things today.

Those are significant burdens that I don't think anybody else has suffered in this process. I know of no one else who suffered in this process, and I think it's relevant, and I think that has to become part of the scope. The significant incredible disconnect between the economic benefits and the burdens.

I will close on a personal note. My great great uncle was Cornelius Seneca. He was the president of the nation in the 50s. He fought very hard against this, and he saw what was coming. These are the first things I heard when I was a child and learned about my personalized role. So I am here for myself. I am here for the nation. I am here for Cornelius Seneca, his struggles, personally and on behalf of this nation. He lost that battle. I don't want to see it repeated again, and that's why I'm here. Thank you.

MR. HOISINGTON: Any one else? All right, is there anybody here from the federal agencies that

would like to say a few words, talk about some issues? I believe I saw some Corps people here, and then the Forest Service or the Fish and Wildlife Service? No one? Well, aren't you lucky? How about any of the state agencies? No one here from the state agencies? Okay, and no one from the federal agencies? How about Mr. Smith?

MR. SMITH: Well, I'll just point out a comment that John Mudre made me aware of in our scoping document. We do have something we are going to correct when we revise this thing. On page 12, one of the alternatives that we proposed to eliminate from detailed study, the very last one is project decommissioning. In the very first sentence we say that the decommissioning of the project could be accomplished with or without dam removal.

Well, the dam is not ours. It's the Corps, so we're going to have to fix that. So you're welcome to comment on that in your letters, but we're going to definitely address that little glitch.

Would it help anybody if we had a break and then come back and see if people are more sociable after break, or do people not have anything further to say?

Are there any questions for us, on the process?

Gaylord did go over the mailing list situation, but I always feel compelled to say it again, because it's such a difficult thing to manage at our office. Both of the applicants had rather extensive distribution lists that all the mailings went out to. And this scoping document went to everybody on both of those distribution lists. But the actual mailing lists that we have in the scoping document are the official ones at FERC, which is a much smaller subset of that total. So if you want those, as Gaylord explained, if you want to continue to see the hard copies, take a look at the list in the back of the scoping document and make sure that the right address is there for you.

The other option is, of course, the E subscription, which I mentioned. That's a really good feature. It notifies you of when filings are made or when we issue something. So what's the consensus? Do folks want to break or do you want to? Yes? Okay, can we do that for 10 minutes? And then you can just see if there's any comments afterwards.

MR. HOISINGTON: Okay, you've got 10 minutes.

(WHEREUPON, a break was taken.)

MR. HOISINGTON: The one thing that I

would like to point out that was in the scoping document but was brought to my attention, that maybe we should just mention it. When you do file your comments either electronically or writing, make sure that you include both docket number and names on those documents.

If you were filing comments that were just in reference to one project, that's the only project it will go to. So if you want it to go to both projects, you need to put both docket numbers on it and both names on it. Because our process back at the office doesn't have any way to bring those two dockets together, if you file one, they get filed under both. So if you want something filed under both, put both names, both docket numbers and names on it. If you only want it filed under one, then you would just put the one docket number and the one name on it.

Are there any, I'll ask one more time, any of the agencies like to say anything, state or federal that are here? We sure would like to hear your comments if you have them.

MS. LEROY: Can we ask that they at least be identified? I'd just like to see a show of hands who is from a state of federal agency?

MR. HOISINGTON: Anybody else from the federal?

MR. MUDRE: We have the Forest Service?

MR. HOISINGTON: Could you stand up?

MR. MUDRE: Yeah, so we just see faces. Forest Service?

SPEAKER: Corps of Engineers.

MR. MUDRE: How about Fish and Wildlife?

MR. BLUECLOUD: I'm with the Bureau of Indian Affairs.

MR. HOISINGTON: So we have one Corps?

SPEAKER: There's actually a few of us, but they're not seated right now.

MR. HOISINGTON: Oh, okay. Are they back there behind the chairs?

MR. MUDRE: Any Pennsylvania DEP or Fish and Boat Commission?

MR. HOISINGTON: Okay, at this time, I guess we'd like to, someone? Okay, I'd like to ask if the FERC staff here has any questions they would like to ask?

MR. SMITH:: I'm sorry. I didn't hear what you were saying?

MR. HOISINGTON: I said, was there any FERC staff here that's not paying attention and had

something to say? Here you go, John.

MR. SMITH: I think Shane from the Seneca Nation mentioned he had some concerns over those springtime fluctuations, and I just wanted to get some clarification on that. If you were referring to a, like a daily fluctuation, or was it more of a seasonal fluctuation?

MR. TITUS: More of a daily fluctuation. In these areas, inlets and bays where water in the springtime is a little higher than your normal summer table, fluctuations of even a couple of inches during the spawning time for your Latterback (phonetic) or salamanders, frogs, insects, and even some fish species will go into these pushy areas and lay their eggs. They are sticky and they will stick to some of these leaves and stems and roots and stuff, and as the water draws down, even a couple of inches during that time, it's leaving the eggs obviously, in the air, and they're dying. That's basically what I was referring to.

MR. SMITH: Is there like a range or a magnitude? Is it a couple of inches? Is it a half a foot?

MR. TITUS: It can range from more or less five, six inches or so. That type of fluctuation,

there's areas where the fish rely on that five or six inches to even get into some of these inlets and outlets, so it's, kind of, cutting some fish out of there. Out of reach, and they are spawning at that time.

MR. SMITH: Okay, thanks. Did you have something John?

MR. MUDRE: Okay, my name is John Mudre, and I guess this question is maybe more for the Corps of Engineers type people. I was just interested in the reservoir rule curve or how you operate this for the purpose of the flood control and what other considerations that you have in setting the water levels?

COURT REPORTER: That person needs to come forward and identify themselves. Identify yourself please, sir?

MR. HOISINGTON: Excuse me, could you identify yourself? Your name, so the court reporter-

MR. BlOSSER: Steve Blosser, Park Ranger. As far as managing the reservoir level, it's a seasonal approach. During this time of year, we would typically be at what we would consider our winter elevation range. Above sea level that's

between 1,300 and 1,310. This morning it was just a little bit above 1,310 elevation. During the spring, depending on thaw conditions and springtime rains, we normally start refilling the reservoir up to summer level, and that could happen as early as some time in March. But it's usually at summer level, which is elevation 1,328 by sometime in May. Recreation season between Memorial Day and Labor Day, tryingto maintain a constant level at summer elevation around 1,328. And then the draw down normally begins after the recreation season ends, usually some time during the fall. Usually October into December is when we draw it back down again from elevation 1,328 down towards winter level. Like I said, that's a real short kind of down and dirty overview. But if you were to look at a reservoir curve, it would show those different elevations and how they are managed over a 12 month calendar year.

MR. SMITH: Is reservoir level data readily available?

MR. BLOSSER: Yes. Yeah, we have gauging, which is maintained at the dam, and it's part of a cooperative managed resource between the Corps of Engineers and the U.S. Geological Survey. But that

is something that could be contacted by telephone or available at a website, which would show a range of values in tabular form for whatever length of time that you would want to check.

MR. SMITH: Did you say the timing increment? Is it hourly?

MR. BLOSSER: It's hourly.

MR. HOISINGTON: Anybody else?

MR. BOVA: Yes, I have a question. David Bova, I'm with the Kinzua Dam Licensing Commission. I just want to ask the Corps of Engineers. Is-

COURT REPORTER: If you're not on a mic-

MR. BOVA: Is there any gauging stations or anything up river that you check periodically? Six months, three months, four months?

MR. BLOSSER: Well on a daily basis, we make contact with gauging stations. We have weather observers as far upstream as Albany, New York, up around Wellsville. We have weather observers in Little Valley, Salamanca. We also have a river gauge in Salamanca, and there are other river gauges which we don't check, but there are several locations along the Allegheny between the Oma Observation Station and the dam.

MR. SMITH: Is that information available?

MR. BLOSSER: Yes. Again, anything that's online is usually managed by the U.S. Geological Survey or the Corps of Engineers. If you're interested in those websites, that's something I can send along.

MR. HOISINGTON: Anyone else? Staff?

MR. MUDRE: John Mudre again. I was just curious as to what sort of procedure you go through, coordinating with First Energy regarding how much generation, how much water they let go on any given day, versus whether they tell you or you tell them, or how exactly does that play out?

MR. BLOSSER: Yeah, as part of the real estate agreement for the power plant and also part of our reservoir regulation manual, I guess you could say. We do have standard operations, as far as discharges downstream and back into the reservoir. It varies, depending on conditions. But normal operations, when we are in a situation where we have an increase or decrease indicates on the dam, normally that is something that is under secondary control of the power plant. So if we need to increase the flow downstream, we'll have them make adjustments to our gates. And then if they come online with an operation to discharge water

downstream, then they'll make the compensating operation, depending on the float that they're putting downstream through the power plant. Again, that's a real simple overview, but that's how it typically operates.

MR. MUDRE: Thank you.

MR. HOISINGTON: Anyone else? Give your name, so that the court reporter can get it recorded.

MR. GATES: Todd Gates, Seneca Nation Counsel. I heard you say you have river gauges that you don't check. If those gauges are on nation territory and the problem is identified by our conservation, I think you need to coordinate that and check those gauges daily, because it is affecting fish habitat. I think that needs to be coordinated. That's why this scoping should be expanded, I'm a proponent for that also. But it affects us daily, and that's one of our safeguards we need to put up the environment. If you could elaborate maybe, on how often you check the gauges, and where they are, where specifically they are? So maybe our conservation guys can get a good read on that, so we can maintain that. Thank you.

MR. BLOSSER: Here again for

clarification, as far as those gauges. We have a certain number of reporting stations and gauges that are part of our daily report that we do in the morning. Again, as I mentioned to Dave, I do have web links that will take you to a river gauge webpage, which will show all the locations for those gauges that are on the Allegheny drainage, if you are interested in that. I could pass it along to Dave, and then he could pass it along to the Conservation Department, if you want to do it that way.

MR. GATES: Appreciate it.

MR. BLOSSER: That way you would have that information.

MR. HOISINGTON: Thank you.

MR. LANINI: This is Jordan Lanini. I was just hoping you could clarify as to whether there's free flow gauges or stage gauges to which you are referring?

MR. BLOSSER: Yeah, depending on the type of gauge, they have a number of different parameters that they use. Some show a, I guess you could call it a gauge, as far as a reference point on the river. Some of them also translate that in tabular format as to cubic feet per second that's flowing

past that gauge. Some of them also have water quality, temperature, it just depends on how elaborate that gauge is equipped. But again, each of those are identified as a number within the USGS gauging system, and that translates to a particular gauge, webpage that you can go to, to check that information.

MR. LANINI: I think determining whether we are talking about reservoir stage, which was the question concerning fisheries. It sounds like all the gauges you are referred to are stream flow gauges, so they're not measuring reservoir stage. That's only at the dam, correct?

MR. BLOSSER: Right. We have the one gauging station at the dam that measures the reservoir level.

MR. MESGHINNA: My name is Wold Mesghinna. So you don't have a state gauge at the Seneca territory? Do you have a gauge at the Seneca territory?

MR. BLOSSER: No. The only gauge that we would measure, as far as the reservoir level, would be right at the dam.

MR. MESGHINNA: What about fish XXX?

MR. BLOSSER: Like I said, there is a

river gauge at Salamanca.

MR. MESGHINNA: What about the-

MR. BLOSSER: Nothing along the reservoir.

MR. MESGHINNA: Just to continue the question that was asked by the staff. In terms of the low current, brought up by the other man, I'm sure you have a low current for operation. Is it possible to share it with us?

MR. BLOSSER: Certainly. That's something that our water management owns, and they will be able to provide.

MR. LANINI: I might comment that there is a rule curve in the S and I pack, so that's available for reference. One further question for FERC staff. I believe S and I has submitted some CEII requests concerning information related to the project, and I was wondering what the status of those requests are?

MR. HOISINGTON: Let me just take a short talk.

(WHEREUPON, FERC staff conferred briefly off the record.)

We can get back to you on that, but I'm thinking there is someone that is working on a lot of information that I think with CEII, that they had

to pull up information that was on microfiche, microfilm, from a long time ago, and he is compiling that information before it can be made available.

Now, if it's information that's already on the webpage, all you have to do is go online and register, and you should be able to get right into that. John?

MR. SMITH: I couldn't get into the CEII, but the thing is, it's different staff that handles this CEII requests. So, none of us here would have the answer to your specific question, but there are procedures for getting it, and so it shouldn't be a problem for you. And if it is, let one of us know, and we'll see if we can do something to help it out. But there's other people, that's like another group at FERC that does that, so we don't know the exact answer.

MR. HOISINGTON: Yeah, if Bill gets in touch with me, either by e-mail or phone, or John, we'll find out what the status is, and we'll also find out. I just know that someone came to me and had a big shopping list, and he was telling me that this information was into, they had to send off site because it was so old, to get it. And that might be that information, and then again, it might not. So

just let me know, and we'll try to track that down, so that we can get that information to you.

It is by no means any movement not to get you that information. It's just the process, like John said, the right hand is doing this job, and the left hand is doing that job, and we don't have access to everything that's going on. Anyone else? Here we go.

MR. PENCE: Brent Pence, Forest Service, Allegheny National Forest. I had a question for FERC. Being that this is competing applications, how are you going to handle the study plans where the studies are similar to each other? In other words, who is going to do what, and I'm not sure how it's going to work?

MR. HOISINGTON: I'll try to answer that, but John is a study plan. But I think I won't even answer that.

MR. SMITH: Well, unless the tribe and First Energy come to some agreement on studies, we are expecting to have two simultaneous processes. So the tribe would have its proposed study plan, First Energy would have it's proposed study plan, and we would issue two study determination letters to each applicant. I mean, that's what our thoughts

are. But if there is some agreement worked out where certain studies, they reach agreement that one entity is going to do, a third party is going to do a particular study, that's fine with us, if that happens to be the case. But we're thinking this is a dual, two processes moving along at the same pace.

MR. PENCE: Yeah, I was wondering how you were going to go about this, so they aren't tripping over each other, so to speak, doing those studies, because some of those have to be done at a certain time of year, like some of the aquatics.

MR. SMITH: Yeah, I mean, I guess we just have to see how each of these meetings plays out. And if some of the studies are very similar, there may be a reason to, it may be worthwhile to mutually agree that one consultant or one agency conducts the study, and both parties use the result. But we're not going to make anybody do that. If they want to do them separately, they can do them separately.

MR. HOISINGTON: Was there one more person back here? I thought I saw another hand.

MR. MCHUGH: Tom McHugh, Corps of Engineers. To the extent that anybody who wants information from the Corps, public information, you can always utilize the Freedom of Information Act,

and send it to us. It will come into my office. They'll ask me about it. I will make sure that your request gets into the right hands, so you can get your information. That way we, at least, have a centralized person that's going to process the claims. So in your scoping document that has the 1000 Liberty Avenue, Pittsburgh address, you can just send it there, put on there, "Freedom of Information Act request or FOIA Officer." It'll get to the right person, and she'll catalog it, and she'll make sure that, that information or your request gets to the person that can provide you the information, and we'll get it out as quickly as we can.

MR. LANINI: Just as a follow up to that. We submitted a FOIA request for certain parameters of operation within the Allegheny Basin, and it bounced between Pittsburgh office and Vicksburg, Mississippi, and we never received any of that information. Should we resubmit that to you or what would be the process to do that?

MR. MCHUGH: You can give me your business card, and I will go back, and I will see where it is, and I will get back to you. Or our FOIA officer will back with you, and I'll let you know what the

status is.

MR. LANINI: Excellent, thank you very much.

MR. HOISINGTON: Anyone else? John, you're standing up. Do you need something?

MR. SMITH: No, just making myself available, Gaylord.

MR. HOISINGTON: Okay. Well, I guess if no one else is going to talk, I'm tired of talking. So unless anyone has anything else. The site visit, Morgan Parke is going to provide you a little bit more information, and go from there.

MR. PARKE: All right, in light of the accelerated end of this meeting, we would be willing to start tours at 1:00 o'clock for folks that are available and want to do that. We want to maximize the window during which tours can be conducted.

If folks would like, we would be willing to start the tours at 1:00 o'clock in groups of five, and we will run till 4:00 o'clock.

MR. MUDRE: I was just wondering, do we meet here? How long is each tour? Is it like a half an hour from beginning to end to getting back here? I guess it could vary?

MR. PARKE: I think the thinking was that

the tours would start from the parking lot, the Corps parking lot, and walk to the facility. And so, those that want to go on tours will need to the Corps parking lot. I don't know how long they'll go.

MR. MUDRE: Okay.

MR. PARKE: I'm told half an hour.

MR. MUDRE: At least I'll go to the right parking lot.

MR. PARKE: So, to repeat. The Army Corps parking lot, tours will take approximately half an hour, will start at 1:00 o'clock and will end at 4:00. Five people per tour, and we'll go through as quickly as we can, and get as many people through as we can today.

MR. HOISINGTON: Okay, thank you. Anyone else? All right, thank you very much. If you want to come this evening, we'll be here waiting. Thank you.

(WHEREUPON, Proceedings were concluded at 11:19 a.m.)