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Before the  
FEDERAL ENERGY REGULATORY COMMISSION

-----X  
In RE )  
ROBERT C. BYRD )  
HYDROELECTRIC PROJECT )  
-----X

March 28th, 2012

Quality Inn  
577 State Route 7  
Gallipolis, OH  
45631-1953

7:00 p.m.

Reported by  
CHARLES D. HOFFMAN

## 1 PROCEEDINGS

2 (7:04 p.m.)

3 MS. MCLANAHAN: Okay, it's 7:00 o'clock. I  
4 guess we can get started. I don't know if you all  
5 can hear me in the back there? If it might be more  
6 comfortable to move the chairs forward or move up  
7 into these seats also and make sure everybody can  
8 hear. But I'll stand up in case you can't and hope  
9 my voice carries a little bit.

10 My name is Eileen McLanahan, I am with the  
11 contractor team that is helping FERC with preparing  
12 the environmental assessment for the Robert C. Byrd  
13 Hydro Electric Project. And welcome to the evening  
14 scoping meeting for the project. We have a fairly  
15 short agenda tonight. We have 10 items on the  
16 agenda. We'll try and go through them pretty  
17 quickly so that we can leave plenty of time for your  
18 comments. Because that's really the purpose of why  
19 we are here, is to hear what you have to say.

20 We will start with making introductions. I  
21 want to encourage everyone to sign in if they  
22 haven't already. There are sheets over by the door  
23 to sign in. We'll talk about the purpose of  
24 scoping, what brings us here. We'll talk about the  
25 schedule for preparing the environmental assessment

1 as we know it today. We'll describe the kind of  
2 information that we are looking for, that we hope  
3 maybe will be provided by - - that will come out in  
4 scoping.

5 I'll turn the floor over to Phillip Meier from  
6 AMP to provide a description of the project that the  
7 City of Wadsworth is proposing to build and AMP  
8 Ohio is their agent.

9 Then, he'll give it back to me, and I'll talk  
10 about the environmental measures that AMP Ohio has  
11 proposed to implement in the project. We'll talk a  
12 little bit about the scope of cumulative effects and  
13 the resource issues that have been identified. And  
14 then, we'll open it up for your comments.

15 We will end with the address for filing written  
16 comments. You are encouraged to speak tonight, and  
17 we have a stenographer with us today who is going to  
18 be recording everything that is said, and the  
19 transcript that he'll be making will be available on  
20 the FERC website, probably within the next couple of  
21 weeks.

22 The ground rules. Sign in if you wish to  
23 speak. There are sheets for signing in if you want  
24 to speak, or if you don't want to speak and would  
25 prefer to give us some written comments tonight,

1 that's fine. We'll make sure that they get into the  
2 record. We have plenty of time I think tonight.  
3 So, if you didn't sign up to speak and feel like  
4 you'd like to talk, then that's fine too.

5 If you would, please provide your name and your  
6 spelling the first time you speak, so that we can  
7 make sure to get it right. And some of you, the  
8 stenographer may have already asked for the spelling  
9 of your name. And I've already introduced myself,  
10 Eileen McLanahan, and I'll be coordinating the  
11 project with the contractor team members, and I'll  
12 also be writing the vegetation and wildlife sections  
13 of the environmental assessment. And then, I'll ask  
14 the other members of the FERC contractor team and  
15 FERC and the Corps folks who are here tonight to  
16 introduce themselves.

17 And I want to say that the Corps is a  
18 cooperating agency with FERC in preparing this  
19 environmental assessment. So, FERC will be the lead  
20 agency, but we'll try and make sure that we produce  
21 an environmental assessment that meets the needs of  
22 both agencies under the National Environmental  
23 Policy Act.

24 So Jot?

25 MR. SPLEND: Jot Splenda, with the FERC

1 contractor team. I'll be looking at the potential  
2 effects on recreational resources.

3 MS. FIELDS: I'm Susan Fields. I work  
4 with the Corps of Engineers, and I work in  
5 Huntington. I work for our regulatory division.

6 MS. WEIKLE: I'm Belinda Weikle. I'm also  
7 with the Corps of Engineers, Huntington District. I  
8 am the lead engineer on the hydro projects, and I  
9 also serve in the function as the hydrology and  
10 hydraulic specialist.

11 MS. BLACK: I'm Rebecca Black, and I work  
12 in the Environmental Analysis Section.

13 MR. FRANTZ: I'm David Frantz, I'm the  
14 Project Manager for Hydro Projects for the Corps of  
15 Engineers.

16 MR. AYAAAY: Jay Ayaay, I work for the  
17 Environmental Analysis section.

18 MS. STAFFORD: Susan Stafford, I'm an  
19 archaeologist with the Corps.

20 MR. HOISINGTON: Gaylord Hoisington, and  
21 I'm with FERC, and I'll be the project coordinator  
22 that will work with the contractor and the Corps in  
23 developing the environmental document.

24 MR. SMITH: My name is John Smith, I'm the  
25 Chief of the Mid-Atlantic Branch. And our branch

1 will be the ones at FERC that handles this project.

2 MR. BERNICK: My name is Andy Bernick.

3 I'm a wildlife biologist with FERC.

4 MR. BOYCE: Jeff Boyce with Meridian  
5 Environmental, part of the FERC contractor team.

6 And I'll be dealing with land use and aesthetics.

7 MR. GILMOUR: I'm George Gilmour, and I'm  
8 a fish biologist with Meridian Environmental as  
9 well. I'm also a FERC contractor, and I'll be  
10 preparing the aquatic resources section of the EA.

11 MS. MCLANAHAN: So, thank you very much.  
12 The purpose of scoping is pretty much summarized in  
13 a couple of those bullets up there. The National  
14 Environmental Policy Act, I think it was passed in  
15 1969 and might've been amended a time or two since  
16 then. Jeff could probably tell me about that.  
17 Basically, it requires any federally funded or  
18 federally authorized project to go through an  
19 environmental review, where you have to look at the  
20 benefits; you have to look at the impacts, and you  
21 have to look at alternatives that might have less  
22 environmental impact.

23 So, once you get all the data, and you weigh  
24 all the data, and you analyze the alternatives,  
25 hopefully what you can come up with is the project

1 that is going to work the best with the least  
2 environmental impact.

3 Scoping is a critical part of NEPA. It is a  
4 requirement under the law and public participation  
5 is key to scoping. It's when we get a chance to  
6 make sure that all of the issues are identified, not  
7 just the ones that we might initially think are the  
8 right ones to be looking at. It's a chance for  
9 everybody's concerns to be heard, and it makes it a  
10 lot easier for us to be sure that what we are doing  
11 is a thorough and accurate assessment of the  
12 project.

13 So, Scoping Document 1 is the name of the first  
14 document that we put out. And that is our initial  
15 take on the issues. We describe the project, what  
16 the proposed action is. We talk about what issues  
17 we already know about, that we know should be  
18 analyzed in the environmental document, and we ask  
19 for more information from whoever might be able to  
20 provide it, that will help us in completing the  
21 document.

22 So, I don't know if everybody here has already  
23 gotten a copy of Scoping Document 1 or SD1 as we  
24 call it? If you haven't, there are copies in that  
25 box back there by Ken, at the table near the door.

1           So that's, basically, where we are right now is  
2 just starting out with scoping, and that's what this  
3 meeting is about. So, scoping comments can be given  
4 orally tonight or mailed to FERC. We really  
5 encourage you to file them electronically. That  
6 just makes it a lot more efficient. We'd like to  
7 have your comments by April 27th, because that means  
8 that we can get started with the next phases of the  
9 things that we need to be doing.

10           Section 5 of the scoping document explains how  
11 to file comments electronically. Section 9 of the  
12 document explains how you can get your name added to  
13 the list if it is not already there, so that you can  
14 be sure to receive additional scoping documents if  
15 we do an SD2, and be sure to receive copies of the  
16 draft and final environmental assessments when they  
17 come out.

18           The schedule that we are anticipating right now  
19 for preparing the environmental assessment. Right  
20 now, we are in scoping. The City of Wadsworth filed  
21 their application about a year ago. When we got the  
22 application, we read through it to see if it had the  
23 information that we were going to need to write the  
24 environmental assessment. We decided there were a  
25 couple of things we needed to ask more questions

1 about. AMP filed their responses, some of them in  
2 December, and others will be filed in May. So, when  
3 we get those and get a chance to review their  
4 responses, we will be issuing a ready for  
5 environmental analysis notice. And after that, we  
6 can get started with the draft environmental  
7 assessment. We hope to have that finished in  
8 January of 2013, and then that will go out to the  
9 public for your review and comment. And we'll get  
10 your comments back, and we'll take them into account  
11 and finalize the environmental assessment and get  
12 that out in July of 2013.

13 The kind of information that we are requesting  
14 tonight is existing information. We're not looking  
15 for requests for new studies. We are looking for  
16 information that might not have been already  
17 considered in the license application or that we  
18 might not have touched on in the scoping document  
19 that would be helpful to bring to our attention, to  
20 make sure that we have a complete understanding of  
21 the project.

22 And it can be regional information. It can be  
23 literature based. It can be very site-specific.  
24 So, there are a lot of ways that it can be  
25 pertinent, but it needs to be focused on where this

1 project is and what the potential impacts of this  
2 project might be.

3 It can also be resource plans and future  
4 proposals. If people know of plans that weren't  
5 described in the license application that might have  
6 some bearing on having a new hydropower facility at  
7 the R.C. Byrd locks and dam.

8 And that finishes the first part of what I  
9 wanted to say, and I will hand it over to Phil  
10 Meier.

11 MR. MEIER: A lot of this may be  
12 repetitive for those that were here this morning,  
13 and I will try to spare a lot of this information  
14 because it is included in the scoping document as  
15 well as the license application that's been provided  
16 to your local library. And that is available should  
17 you need a copy of it. And what I'll try to do is  
18 I'll try to bounce through what we see as the  
19 critical issues. I know we talked about some this  
20 afternoon. We identified some new studies that we  
21 should be looking at.

22 AMP is a not-for-profit wholesale power  
23 supplier with 129 members, 128 of them  
24 municipalities in six states, along with the  
25 Delaware Municipal Electric Corporation. So, that's

1 a little bit about AMP.

2 These are current projects: Willow Island,  
3 Meldahl, Cannelton and Smithland are all under  
4 construction right now. R.C. Byrd is the planned  
5 fifth right now. This is Cannelton, Smithland, a  
6 close up of Willow Island, and I didn't have a  
7 picture of Meldahl in there.

8 This is a little bit of the background. There  
9 was previous licensees that had tried to develop  
10 this, but did not have much success. Part of the  
11 reason for that challenge is associated with the  
12 high capital cost. Most investors and utilities  
13 have a very high interest rate, in terms of their  
14 capital investment, where AMP is able to bring a  
15 tax-exempt financing to these projects, which makes  
16 them a little bit more economically viable.

17 The thing that really drives it is when you  
18 look at 4 or 5 hundred million dollar project, if  
19 you don't have a low interest amount in that cost  
20 that you borrow, it drives the costs really high.  
21 It is similar to a mortgage that you have on your  
22 home. If you are financing at 11 or 12 percent then  
23 it's real difficult to be able to do that.

24 This is just a picture provided by the Corps of  
25 the existing locks and dam. AMP, we originally

1 looked at this location. After looking at it, one  
2 of the things that was determined was that the Corps  
3 made us aware that they had looked at that area for  
4 a dry dock facility, and then as we looked at the  
5 geotechnic investigations, we determined that it  
6 probably wasn't suitable for a powerhouse because of  
7 the deep excavations that would need to take place  
8 adjacent to the Corps of Engineers structure.

9 So, that's what caused us to shift to the Ohio  
10 side of the river. And I will, these slides will be  
11 available to everybody here through the public  
12 process. Don't feel like you have to memorize  
13 everything here. And I'm going to jump down to the,  
14 what we see as the critical issue.

15 This is the existing aerial, and then we will  
16 drill in. We had, as I mentioned, two options that  
17 we looked at. The one was here in the abandoned  
18 lock chamber running to the substation here. And  
19 then the one we selected is the building project  
20 here with a transmission line running along and then  
21 crossing over to the substation here.

22 This is hard to see, I know, for those of you  
23 that are in the back of the room. But this is the  
24 discussions that we've had and the initial design  
25 that has been looked at by the Ohio Department of

1       Transportation, in terms of relocating the road.  
2       Many of you have seen it before. The process that  
3       we've had to go through is to take the highway  
4       design, submit it to the Ohio Department of  
5       Transportation, have them review it and provide  
6       comments back to us on the initial design.

7               Right now, they're okay with this initial  
8       design, and this is largely what we've been doing in  
9       the past six month to a year. So right now, this  
10      initial design also has a 50 mile an hour design  
11      associated with it. ODOT wanted to make sure that,  
12      that was maintained through the process. So right  
13      now, where we stand is we are in this licensing  
14      process. The timeframe that was mentioned earlier  
15      was with the final EA issued in July of 2013. What  
16      that means is if everything is cleared from an  
17      environmental and regulatory perspective, that means  
18      the license is possibly a year, roughly a year from  
19      that time. And if we look at that time frame, that  
20      means sometime in 2014, the license gets issued, and  
21      then at that point, then AMP has to make a serious  
22      decision to move forward with the balance of the  
23      project.

24              The project is planned to be what we call run  
25      of the river mode, which basically means we are not

1 operating or changing the flow variation in the  
2 river itself. Water is just diverted through the  
3 dam and flows through the hydro plant instead of the  
4 dam itself.

5 Again bouncing, I think what I'll do is I'll  
6 bounce back here to this slide for a few minutes.  
7 So, if you ask where we're at today, well there's  
8 several things that are occurring right now. AMP,  
9 as an organization, needs to secure the license to  
10 the project to be able to move forward with  
11 committing millions and millions of dollars to go  
12 forward. Because during the licensing process,  
13 there's many things that can occur that can make the  
14 project not viable. So, we need to be able to  
15 identify all of those in the licensing process and  
16 have those nailed down in the licensing before a  
17 number of municipalities, and it could be as many as  
18 80 municipalities in six states, commit to funding  
19 the project on a long-term basis.

20 And that means committing funds of those  
21 individual cities to the payment associated with the  
22 debt of the project. So, the information I'm giving  
23 you here is that as soon as the license is issued,  
24 then we can go through the process calculating the  
25 cost of the project, providing that cost to members,

1 marketing the project, subscribing it to our  
2 members, as we've done with our other projects. And  
3 then, those members committing to a bond or a  
4 mortgage payment for the next 35 or 40 years,  
5 depending upon the financing. So, all those things  
6 are things that have to occur. They have a  
7 sequence, and that's the current path that we're on.

8 Other aspects about the project are that  
9 there's significant benefits to hydro, and I'm not  
10 sure I captured it here on the slide. I can tell  
11 you, during the construction, it will bring  
12 somewhere between 400 to 450 jobs over two shifts,  
13 and seven to nine plant operators on a full-time  
14 basis.

15 In terms of business, if you look at it, it  
16 would be like having a 200 million to 300 million  
17 dollar influx into the town of Eureka. That is the  
18 real reality of what one of these projects brings.  
19 And that means it has socioeconomic impacts that  
20 cross the board from purchasing fuel to local labor  
21 to you name it. Construction folks, all kinds of  
22 positive just from that side.

23 The other benefits of hydro that I haven't  
24 really talked about is the reduction of SO<sub>2</sub>, sulfur  
25 dioxide; and NO<sub>2</sub>, NO<sub>x</sub>; two types of emissions from

1 coal power plants; as well as CO2; carbon and  
2 mercury. Those four things are associated with the  
3 other plants. Fortunately, Bill and I have been  
4 able to work on that side of it, in terms of the  
5 clean, renewable type of plants. So, this displaces  
6 thousands of tons, I believe it's thousands of tons  
7 each year from existing coal, coal plants or gas  
8 plants that are being developed.

9 Recreation and land use. I do have some  
10 pictures of the existing recreation facilities at  
11 our Belleville facility. This was built in the  
12 mid-90s. That was actually a turbine, but I'll flip  
13 through the existing recreation. These recreation  
14 facilities were built along with the project. There  
15 is a picnic facilities. What we've got here, there  
16 is shoreline walkways for fishermen that both run  
17 along the bank and run down the banks, so people  
18 don't have to walk across riprap. This is some  
19 covered picnic facilities as well. There's men's  
20 and ladies restrooms here. They have sort of an  
21 institutional feel because they are built to prevent  
22 vandalism. As you can see, they don't have nice  
23 wallpaper and things like that. Just more pictures  
24 of that lighted parking, a lot more parking for  
25 people that use it. And the belief is that after

1       you build the rec facilities, they get a lot more  
2       use than the situations prior.

3               Just more of those wheelchair access paths for  
4       handicap fishing. And then fishing piers. There's  
5       currently two piers like this planned for this site  
6       as well as what we have on our other sites. More  
7       walkway pictures, looks like the southern pier. The  
8       recreation facilities amount to an expenditure of  
9       around a million to 2 million dollars, in terms of  
10      development.

11              This is just another close-up of the walkways.  
12      I talked a little bit about recreational land use.  
13      There is a plethora of studies that we do on a  
14      project this size from archaeological to visual  
15      aesthetics to geotechnical investigations. The  
16      process, after the license is issued, is one of the  
17      first things that is done is subsurface and  
18      geotechnical investigations, where we do deep  
19      subsurface core boring to determine the exact  
20      location of the powerhouse relative to the dam. And  
21      then after that, then there's also a full-scale  
22      structural type hydraulic model study on, I believe  
23      it's a scale of 1 to 150 feet, in a large factory  
24      where we look at flows. And we look at the  
25      potential project impacts on such things as barge

1 traffic as well as flow, environmental, recreation.  
2 All those aspects get evaluated.

3 We had discussions earlier about doing some  
4 mathematical studies relative to the fisheries and  
5 AMP is willing to do those types of studies that are  
6 necessary in the prelicensing phase to get us to the  
7 next step.

8 Socio-economics. I think the biggest part that  
9 we recognize is this: Is that with the highway  
10 relocation, we do understand that it means working  
11 with local land owners for those folks that are  
12 displaced as a result of the construction of the  
13 road and highway. But our sequential  
14 decision-making process, AMP can't put a shovel in  
15 the ground until after FERC issues the license and  
16 then after all the permits are issued. Nor can we  
17 make a decision to go forward with it until after  
18 the license is issued and after we have the project  
19 subscribed to its members.

20 Those are processes that preclude the  
21 development of it. And so right now, what we're  
22 attempting to do is we're trying to get to that next  
23 stage. And that means completing all the  
24 environmental analysis that FERC and the resource  
25 agencies need. As soon as that is completed and all

1 the questions are answered with the development of  
2 the project, then the FERC is able to issue a  
3 license for the project, and then that starts the  
4 next step of getting the final permits necessary to  
5 actually start construction. So with that, I think  
6 I'll turn it back over to you.

7 MS. MCLANAHAN: Thanks. Next, I want to  
8 go through a few slides that show the environmental  
9 measures that AMP has proposed to implement to avoid  
10 or minimize or mitigate environmental impacts.

11 The first one is for geology and soils.  
12 They're planning to conduct detailed geotechnical  
13 studies before they start construction. They're  
14 planning to develop and implement a sediment and  
15 erosion control plan as well. And as I mentioned  
16 this morning, we put that under geology and soils,  
17 because it has to do with dirt. But where the real  
18 effects are usually seen has to do with water  
19 quality, which is in the next category under aquatic  
20 resources.

21 For this one, the first one is development and  
22 implementation of a ground water and surface water  
23 control plan. They are planning to develop and  
24 implement a spill prevention, containment and  
25 countermeasures plan. And lastly, to develop a

1 longer-term water quality monitoring plan, where  
2 they would start collecting baseline data for a year  
3 prior to construction, they would monitor during  
4 construction to see what is going on and would  
5 continue for one year following project startup.

6 Aquatic resources also include fish and  
7 mussels, and one of the proposals is to relocate  
8 mussels in areas that would potentially be affected  
9 by dredging and excavation for the project and  
10 monitor them for two years following their  
11 relocation, to make sure those beds are establishing  
12 well and maintaining.

13 The next one is to use the results of the  
14 physical hydraulic model that Phil mentioned to  
15 design the project so that it will minimize  
16 tailwater effects on aquatic habitat, so to minimize  
17 effects that might be associated with scouring or  
18 deposition resulting from the currents or  
19 velocities as they might be changed by coming  
20 through the plant.

21 Next, we have terrestrial resources. And AMP  
22 has proposed to conduct additional surveys for rare  
23 plants. Two species were identified in the  
24 transmission line or in the project area that have  
25 special significance for either West Virginia or

1 Ohio. And the plan is to conduct additional surveys  
2 along the transmission line route and avoid or  
3 minimize any impacts to existing populations of  
4 those plants or to mitigate effects. And that could  
5 involve relocation of plant populations.

6 The next one is to site the transmission line  
7 to avoid or minimize effects on bottom land hardwood  
8 forests. And it looks like a few acres of bottom  
9 land hardwood forests might be affected by the  
10 transmission line. And that's one of the issues  
11 that we identified as possibly being a cumulative  
12 effect because it seems like it's growing in  
13 importance in this area.

14 The next one is to develop and implement  
15 mitigation plans for wetland impacts that cannot be  
16 avoided. There are few wetlands, there are a few  
17 little streams that would be affected by the  
18 project. Some of the project features can be cited  
19 to kind of keep away from them and probably some  
20 mitigation will be needed.

21 The last terrestrial resource's measure is  
22 designing the transmission line to minimize the risk  
23 of raptor electrocution. And there are some pretty  
24 standard specifications these days for transmission  
25 lines so that birds don't run into them or get

1 electrocuted if they land on them.

2           Oops, I missed one. Threatened and endangered  
3 species. Amp Ohio had planned to survey the  
4 transmission line route prior to construction to  
5 evaluate the presence of roosting sites for Indiana  
6 bats. And they have already done some bat surveys  
7 and didn't find any Indiana bats. But the next step  
8 I think is to look at specific trees and see how the  
9 clearing or transmission line towers might be placed  
10 to make sure that there are no impacts to trees that  
11 might provide potential roost sites.

12           The other thing I wanted to mention is the  
13 sheepsnose mussel, which just was listed I think this  
14 week as an endangered species under the Federal  
15 Endangered Species Act. And so, we may need to do  
16 Section 7 consultation with the U.S. Fish and  
17 Wildlife Service and write a biological assessment  
18 to address potential impacts on that species.

19           Next, we have recreation and land use. As you  
20 heard Phil describe, they're planning to do several  
21 recreation enhancements there. First of all would  
22 be to provide temporary recreation facilities that  
23 would be during the construction period, so that  
24 there still is access to the river and fishing  
25 access. They also plan to develop and implement a

1 recreation plan that would include maintenance and  
2 monitoring through the life of the project. And  
3 then they would develop permanent recreation  
4 facilities. And it sounds like the facilities that  
5 they have in mind would be fairly similar to the  
6 those that have been constructed at the Belleville  
7 project.

8 The next one Phil also talked about was  
9 consultation with the Ohio Department of  
10 Transportation regarding the relocation of State  
11 Route 7. And one of the things that needs to happen  
12 is some decisions about the timing and how to manage  
13 traffic during the relocation process.

14 The next one is for cultural resources. And  
15 AMP Ohio has proposed to perform a viewshed  
16 analysis. So, that means not just looking at the  
17 structures themselves, but making the scope of the  
18 analysis a little bit bigger and to say how this  
19 will affect cultural resources within a specific  
20 area that's not just the structures themselves. And  
21 that's what I guess you could describe as the  
22 viewshed, and maybe Susan could add a little bit to  
23 that. The other things they propose to do are a  
24 structures inventory and a National Register of  
25 Historic Property evaluation and effects assessment

1 of the locks and dams themselves.

2 For cultural resources also, they plan to do  
3 deep testing of areas that are slated for  
4 excavation, and then they develop a management plan  
5 to avoid or mitigate impacts on historic and  
6 archaeological resources, whether they are ones that  
7 they think are likely to be there or any  
8 unanticipated finds.

9 The next one is for aesthetic resources. And  
10 they propose to design all the cleared areas to  
11 soften visual effects. And what that means  
12 basically is to make as few straight lines as  
13 possible and to try to blend in the cleared areas  
14 and the structures with what is already there.

15 And that kind of goes into the next one also.  
16 That they will design the project features  
17 themselves to resemble the existing locks and the  
18 dams and piers in color and texture. And the last  
19 one there is to develop and implement a site  
20 restoration and aesthetics plan. And they would be  
21 identifying native plants and planting schemes to  
22 re-vegetate all the areas where soils have been  
23 disturbed that haven't been converted to some other  
24 use, whether it's riprap or an actual building or  
25 parking area, and to use native plants to restore

1 the vegetation there and have it blend in with what  
2 the surrounding landscape looks like, to the extent  
3 that they can.

4 The cumulative effects analysis is where we  
5 take a look back in time and at current activities  
6 and at activities that might be occurring in the  
7 future, and try to analyze the impacts of this  
8 proposal in relation to all the other things that  
9 might be happening along the river. There are  
10 several other Hydro projects, for example, on the  
11 Ohio River that are proposed at Corps facilities or  
12 are under construction or are recently constructed  
13 and that's the kind of thing we would be looking at,  
14 to say well how does this project fit in with the  
15 overall effects? Does it add to them? Does it not  
16 make any difference?

17 We need to establish a geographic scope and a  
18 temporal scope in order to do that. For the  
19 geographics scope generally, we have used the Ohio  
20 River mainstem from Racine at the top of the R.C.  
21 Byrd pool all the way down to the Greenup Locks and  
22 Dam. But earlier in the day at our 1:00 o'clock  
23 meeting, it was suggested that we also add the lower  
24 Kanawha River to that geographic scope.

25 And this is what we'll use for the aquatic

1 scope. And as we get into the analysis, we may  
2 modify that a little bit for the terrestrial  
3 resources for example, or for recreation and make  
4 the geographic scope a little bit different.

5 The temporal scope will stay the same though.  
6 We can look into the past as far as we can  
7 reasonably know, and then we'll look at actions 50  
8 years into the future. And the reason that we're  
9 choosing 50 years is that's the length of time that  
10 the license would be issued.

11 The resource issues that we know we need to  
12 evaluate in the environmental assessment are listed  
13 right here on this line. We have some other slides  
14 where we could go through in more detail if that  
15 would be helpful, but they are all in the Scoping  
16 Document 1, and I don't want to spend too much time  
17 on going through the detail but would rather be able  
18 to get to the next part of this, which is the  
19 comments from participants.

20 You can make oral comments today as I said. Or  
21 you can make written comments later. One person has  
22 signed up to speak, that will be the first person I  
23 call. But then, if you change your mind, and you  
24 want to say something that's fine too.

25 And then written scoping comments can be filed

1 with the Commission until April 27th, 2012. That is  
2 about a month from now. Here is basically how you  
3 file written comments. We really encourage you file  
4 them electronically. That is very helpful and  
5 efficient for us. The instructions are in Section 5  
6 of the scoping document.

7 And here is some information that's also in SD1  
8 about how to get more information from FERC and how  
9 to keep apprised of developments as they go along.  
10 You can sign up on eSubscriptions, put in the  
11 project number, and you'll get an e-mail whenever  
12 something is filed on the project, whether it's  
13 something that FERC is sending to the applicant or  
14 something the applicant is filing or an agency  
15 comment letter or to see all the comments that other  
16 - - maybe there are people here tonight who plan to  
17 file written comments.

18 By signing up for eSubscriptions, you would  
19 have access to all of those as they pop up on FERC's  
20 website. You can stay informed about the process  
21 and how things are going.

22 ELibrary is a good way to find and look at  
23 documents that are filed. If you haven't seen the  
24 license application that's there, Scoping Document 1  
25 is there, and everything that we are going to be

1 producing from now on is going to be there also.  
2 EFilings, there's a place on the website to  
3 electronically file documents as we have already  
4 mentioned.

5 And that about wraps up what I wanted to say.  
6 But I would like to invite you not only to make  
7 comments on what you think we should be looking at  
8 in the environmental assessment and not only to make  
9 suggestions about information that you might have  
10 that we maybe ought to know about, but also to ask  
11 questions about the NEPA process, about what  
12 scoping is for and how it works. Or questions about  
13 the FERC process or anything else that really has to  
14 do with licensing the R.C. Byrd Project.

15 And so with that, I will call on the first  
16 person who signed up to speak today, and that is  
17 Beverly Jeffers. And the stenographer has said that  
18 he has located a microphone somewhere down at the  
19 end of the table. So if you were to come forward,  
20 you can be easily heard. He can transcribe what you  
21 write, and we'll all be able to hear too.

22 MS. JEFFERS: I'm pretty loud, so I don't  
23 think that's a problem.

24 MS. MCLANAHAN: Okay, just shout it out.

25 MS. JEFFERS: I'm going through allergies.

1 I don't know if you do studies on those. Ohio  
2 Valley Crud. Okay, you know this is not new to us.  
3 And as you see, there's not very many people here  
4 tonight. Now, I don't know how many turned out  
5 today. Bill, was there very many here today from  
6 Eureka?

7 SPEAKER: Five families. None of them  
8 spoke though.

9 MS. JEFFERS: I guess I'm the only one  
10 with a big mouth. You know I'm not a trouble maker.  
11 And first of all, I do appreciate the effort that  
12 you are putting forth for this project because this  
13 is needed. The hydro plant is the way to go for  
14 this age and the time that we're in. I understand  
15 that fully, and I appreciate each one of you for the  
16 environmental things that you're working on. We  
17 have, if I'm correct, five different Indian tribes  
18 were down our way, and that was under study and  
19 everything.

20 But here's where I'm coming from. Now, I want  
21 you all to put the shoe on the other foot. We were  
22 approached in either 2008 or 2009. Am I wrong?  
23 2008, 2009? Okay, these studies were done. The  
24 bats, the wetlands, the mussels, the birds, the  
25 trees, all of this was done. The coring was done

1 for the properties; we all signed permission. Am I  
2 correct? All this was done. Am I correct to say  
3 that the project was supposed to be done, starting  
4 in August of 2012?

5 MR. MEIER: That is the part where I think  
6 you are mistaken, Bev. The project, we have always  
7 had a process that we have had to go through the  
8 PAD, to achieving and acquiring the license to  
9 starting construction. So, the schedule that's been  
10 laid out here is the schedule that we have been on  
11 since Day 1.

12 MS. JEFFERS: If I'm not mistaken, we were  
13 told August of 2012. The appraisals to the housing  
14 were done. In March of 2011, you told us in our  
15 meeting that this project was put on hold because  
16 you had people that invested in it and pulled out,  
17 and you didn't know if it would ever be done. Am I  
18 correct?

19 MR. MEIER: No, that's not correct. AMP  
20 has proceeded with the development, has committed  
21 significant funds to the project thus far, probably  
22 in excess of 2 million dollars worth of development  
23 in preparing the license application, in preparing  
24 the PAD, and doing all of the studies. But AMP, in  
25 terms of committing additional money to the project,

1       there are small studies that can be done, but in  
2       terms of large commitments, that can't really be  
3       done until the project license is issued.

4               Because up to that point of the project license  
5       being issued, if for some reason there was something  
6       done that would cause the license not to be issued  
7       then all those municipalities that have invested  
8       that money would be out that money. And their  
9       individual ratepayers in those communities would pay  
10      for it.

11             So, the best path and the quickest path we have  
12      forward is to be able to address all the comments  
13      that are raised by the Federal Energy Regulatory  
14      Commission, the Corps and the wildlife agencies  
15      being involved, complete those studies, answer the  
16      questions that allow FERC to go through the process  
17      and issue the license. And then once the license is  
18      issued, then the decision falls back in AMP's court,  
19      in terms of how quickly the project can be  
20      developed.

21             MS. JEFFERS: You did not have people that  
22      were funding this pull out?

23             MR. MEIER: We did not, none.

24             MS. JEFFERS: I'm sorry, but I understood  
25      you to say that.

1                   MR. MEIER: I have never said that. As a  
2 matter of fact, right now, there's no municipalities  
3 that have committed to taking the power output of  
4 the project. The project hasn't been marketed to  
5 the members. Right now, AMP, as an organization  
6 working with the City of Wadsworth, has committed  
7 the expenditures for the project.

8                   MS. JEFFERS: I guess we are going to  
9 differ on that. We are going to differ on that,  
10 Phil, because you did say that. And I'm sure  
11 there's other people here that heard that.

12                   MR. MEIER: No, what I did say is we had,  
13 there was another project that AMP as an-

14                   MS. JEFFERS: You have three or four  
15 projects going on besides this one. You were  
16 putting this one on hold.

17                   MR. MEIER: Cannelton, Smithland, Willow  
18 Island and Meldahl projects are going forward. A  
19 county a couple of counties away, Meigs County, did  
20 have a large project where the capital cost  
21 increased by hundreds of percent and the decision  
22 was made to stop that project. That was a different  
23 project. That was not a hydro project. That was a  
24 large coal fired power plant, and that project was  
25 canceled.

1           But we haven't, on the hydro with four projects  
2 going forward, we've not decided to cancel a  
3 project. The decision-making about going forward  
4 with it though occurs after the license is issued.  
5 It can't occur prior.

6           MS. JEFFERS: But you didn't say  
7 cancelled, you said on hold, on hold.

8           Now, like I said, we started this in '08 or  
9 '09, and this is 2012. Now, we have elderly people,  
10 elderly sick people in our community. And this is  
11 on their minds 24/7. They were raised there. They  
12 raised their families there, and this has got to the  
13 point til it is just making them sick. "When am I  
14 going to have to move?" Every time you talk to  
15 them. "Have you heard anything? When am I going to  
16 have to move?"

17           Okay, we have Evelyn here that is 90, will be  
18 93 years old next month or May. She has had to move  
19 to Columbus with her family, Grove City. We have  
20 another person, that, Marianne is 94. She had to  
21 move. Now, here's the thing. Nobody wants to buy  
22 our property because of this. We're stuck right  
23 where we're at. The housing appraisals has already  
24 been done, everything has been done. The last  
25 meeting that we had you all said, "I don't blame you

1 if you don't give us permission, but we need to do  
2 that core drilling." They got the core drilling,  
3 the survey of the road, the survey of the  
4 properties, everything has been done.

5 Now you are saying not til 2014. I need to  
6 upgrade my property. I have two properties there.  
7 I need to upgrade my house, and I don't feel like  
8 putting money into something that is going to be  
9 tore down and didn't care what was on the inside.  
10 The appraisal is for the outside. That's not fair  
11 to us. And I'm sorry, if you guys had a hold on  
12 your house, your property, and you can't do anything  
13 or you feel like you can't do anything to it because  
14 you're not going to get the money that you put into  
15 it, and it is not fair. Please put the shoe on the  
16 other foot and think of us. We've got elderly and  
17 sick people down there.

18 You ask the people if anybody wanted to sell  
19 beforehand to come to you, and they did. The Howes  
20 (sic) came to you, and you said, "We'll let you  
21 know." They are still down and out.

22 And I'm all for this project, don't get me  
23 wrong. But it's not fair to us down there that we  
24 don't feel like we can do anything. Eureka is  
25 falling apart. It was a beautiful little community

1 at one time, and nobody feels like they can put any  
2 money into their homes.

3 The bridge down there, and I know that was an  
4 issue with you and the state, that bridge was built  
5 in 1937 and if you go under that bridge, it would  
6 probably scare you half to death. And we're driving  
7 over that thing. I mean you know?

8 I want this project, I do, because it is the  
9 way to go. But not at the expense of our people.  
10 That's just not fair, and if you were in the  
11 situation, you wouldn't like it either.

12 MR. MEIER: I agree.

13 MS. JEFFERS: So, there has got to be some  
14 kind of a compromise. Now, they come down, the  
15 state come down right below Eureka, down in Bladon,  
16 and they started paving clear up to the Silver  
17 Bridge. When it come to Eureka where this project  
18 is going in, they cut out the seams, patched them,  
19 left a mess. I mean a muddy mess went right on up  
20 above the bridge, brand new highway clear to the  
21 Silver Bridge.

22 Some of the neighbors complained. They asked  
23 me to complain and I said, "No, I don't want them  
24 back." Well, they came back, and they put a little  
25 thin coat because they were under the assumption

1 this was supposed to start in August of 2012.  
2 That's what we were told. And it was one of the  
3 foreman. And we got about this much blacktop and  
4 lots of mud and lots of dirt, and they didn't clean  
5 up their mess. They tore our driveway up, took the  
6 gravel out of our driveway and put it across the  
7 street in holes. And that was to keep the water off  
8 the road.

9 Now, I wish you would see the water all over  
10 the road. That's what we are dealing with. That is  
11 exactly what we are dealing with. We can't sell our  
12 property; we're on hold, because of this project.  
13 "Well, I don't want to buy your home. I'd have to  
14 move." See where we're at?

15 MR. MEIER: I do, I understand.

16 MS. JEFFERS: I don't know Phil. Like I  
17 said, I want this project but not at the expense of  
18 our people.

19 MS. MCLANAHAN: Thank you for your  
20 comments, Beverly. That's a hard situation. Is  
21 there anyone else who would like to comment?

22 MR. WARREN: I didn't sign your sheet, but  
23 I'll make a comment if that's okay.

24 MS. MCLANAHAN: That's great. Would you  
25 please say your name and spell it for the

1 stenographer?

2 MR. WARREN: My name is Jerry Warren,  
3 W-A-R-R-E-N. I've just got a couple of things I  
4 took notes on. One of the things that I believe you  
5 announced was you used the phrase, "Mitigation of  
6 streams." Could you identify which streams you are  
7 speaking of?

8 MS. MCLANAHAN: I'm not sure that any of  
9 them even have names. They are little intermittent  
10 streams that would be under the spoil pile and a  
11 couple of them I think are in the project facility  
12 footprint.

13 MR. WARREN: You're speaking of the stream  
14 where the bridge crosses as you go in to-

15 MS. MCLANAHAN: Teen's Creek or Teen's  
16 Creek Run or Teen's Creek Slew? Is that the one you  
17 mean? I'm not sure how to call it, but Teen's  
18 Creek? I'm not talking about that one, other than  
19 that the spoil pile will be coming right down to an  
20 edge of that. And we have asked the question of AMP  
21 Ohio to please give us more information about how  
22 they will stabilize the spoil pile so that there  
23 aren't impacts of run off from the spoil pile into  
24 that water body. But the other little streams, I'm  
25 not sure that they even have names.

1                   MR. WARREN: Right. There's kind of a  
2                   dried up lake there.

3                   MS. MCLANAHAN: Right in that little  
4                   corner down by the bridge?

5                   MR. WARREN: It has an unofficial name  
6                   really, attached to it by the locals. And there is  
7                   a connection between it and the Ohio River by a  
8                   slight stream. I was just wondering of the impact  
9                   of that. Would there be fill put in there? Would  
10                  that be impacted at all with the road cut in before  
11                  that or after that?

12                  MS. MCLANAHAN: Maybe Phil can pull up the  
13                  picture again. But it's my understanding that  
14                  nothing would happen in that little corner that's  
15                  right between the highway and the bridge, right down  
16                  there. I mean it's not full of water right now,  
17                  it's not saturated soils right now, but you can tell  
18                  that it gets wet a lot. Is that the one you mean?

19                  MR. WARREN: Right, there's kind of a lake  
20                  there, it has some wildlife.

21                  MS. MCLANAHAN: What do people call that?

22                  MR. WARREN: Excuse me?

23                  MS. MCLANAHAN: You said there's a name  
24                  for it?

25                  MR. WARREN: It's escaped me at the

1 moment.

2 MS. JEFFERS: The old people used to call  
3 it Villain Lake.

4 MR. WARREN: Villain Lake, that's it,  
5 yeah.

6 MS. JEFFERS: That's man made, that was  
7 all man made.

8 MS. MCLANAHAN: Is there a culvert under  
9 the road that gives it connection to the river or is  
10 it just seepage, or how does that work?

11 MR. WARREN: I don't know. All of that  
12 would've been before my time. That's been there my  
13 whole life.

14 MR. MEIER: I think, Jerry, let me see if  
15 I can help identify the area.

16 MR. WARREN: Okay.

17 MR. MEIER: Right here is about where the  
18 bridge is. The existing bridge on the north side of  
19 Eureka, I think alongside. And then right now, the  
20 planned fill is in this area here. There is a creek  
21 that kind of borders this outline here-

22 MR. Warren: Right.

23 MR. MEIER: - that we're avoiding. We  
24 come up to it, but we don't fill it.

25 MS. MCLANAHAN: Are you relocating that

1 one? To kind of move it around the top of where the  
2 spoil pile will be?

3 MR. MEIER: At the top here, here?

4 MS. MCLANAHAN: Yeah. It looks like maybe  
5 there is a swale constructed to more direct that  
6 water?

7 MR. MEIER: So, that would be the only  
8 modification then.

9 MS. MCLANAHAN: I don't know if you have a  
10 picture that shows a little bit?

11 MR. MEIER: I have the license  
12 application.

13 MS. MCLANAHAN: But anyway.

14 MR. WARREN: You're avoiding that area, is  
15 what you are telling me? A couple of other  
16 questions if you don't mind.

17 I'm not one of those that received a packet of  
18 information, and so I believe that I'm probably  
19 right outside the parameters of your project. I  
20 don't have any guarantee of that, but that's what  
21 I'm thinking at this time, based on what I'm hearing  
22 and the history of this up to this point.

23 So I know you have done a lot of studies on  
24 wildlife and plant life. I was wondering about any  
25 impact on the residents that would be remaining

1       there through this project: blasting, dust, noise  
2       that type of thing, and any consideration that's  
3       being given to us on that?

4               MS. MEIER:  Yes, we'll have a section in  
5       the environmental assessment that's called  
6       socioeconomics.  It's kind of a broad section, but  
7       that's where we would take into account effects on  
8       neighboring landowners and the people who live  
9       there, who maybe wouldn't be moving away as a result  
10      of their homes being purchased, but who would be  
11      remaining there.  What would life be like during  
12      construction and during the phase of project  
13      operation?

14             MR. WARREN:  So, there would be a report  
15      that we can read the project actually began?

16             MS. MCLANAHAN:  Yes.

17             MR. WARREN:  And what would that report be  
18      called?

19             MS. MCLANAHAN:  It wouldn't be a separate  
20      report.  The license application that AMP has  
21      already filed, they filed in March, I think March  
22      28th, or 27th, of last year is available on the FERC  
23      website.

24             MR. WARREN:  So, that information is  
25      embedded throughout another document?

1                   MS. MCLANAHAN: I wouldn't say it is  
2 embedded throughout another document. There is a  
3 section in that document that's called, I believe,  
4 socioeconomics and has some information about  
5 existing conditions. In the document that we write,  
6 in the environmental assessment that we write, we'll  
7 also have a section that's called socioeconomics.  
8 But we also are beginning to get an idea of what all  
9 needs to go into that, beyond just census data, in  
10 terms of community cohesion kinds of things.

11                   I think there's also a section of air quality  
12 in the license application. I'm not sure if it's, I  
13 don't think it's actually separate, I think it's in  
14 land use, maybe. It's in there, and we'll need to  
15 address that too, because this is a construction  
16 project.

17                   MR. WARREN: But you're not ready to  
18 verbalize exactly what we might be experiencing if  
19 we're left to live there during the project?

20                   MR. MEIER: I think I can, if it helps  
21 any. The process is obviously a large excavation.  
22 And so there'll be a sediment, erosion control and  
23 best management practices to prevent dust for  
24 example. Neither the state highway nor any of the  
25 landowners will be very happy if we create a dust

1 plume that was continuously going on around the  
2 site.

3 So as with our existing sites, there's a water  
4 truck that goes over the roads, and that's pretty  
5 much the sole job of that driver on an individual  
6 day, to keep the dust down. So in terms of dust,  
7 that's taken care of. All the blasting is regulated  
8 by the US Army Corps Of Engineers, mainly because  
9 you're blasting rock by their large structure. They  
10 want to make sure that we don't fracture rock that's  
11 underneath their structure, and that we don't cause  
12 any damage to their structure.

13 So the blast, while there is blasting, it's a  
14 very small, controlled, minute blast that's meant to  
15 fracture rock to allow rock then to be excavated  
16 after it is fractured. So in terms of blasting, you  
17 might hear it, but it will be faint, you will be  
18 able to hear it. When you do, I suspect that you  
19 won't be able to feel it. That's at least  
20 consistent with blasting that we did at our  
21 Belleville facility, where you can be less than  
22 1,000 yards away and you wouldn't feel it.

23 MR. WARREN: Is there a policy or a law in  
24 place that requires you to have a buffer of property  
25 between you and the project and the people that are

1 remaining there to live?

2 MR. MEIER: I would say there may not  
3 necessarily be a specific law, but I can tell you  
4 it's in AMP's interest from an insurance perspective  
5 to make sure that there is enough buffer between  
6 anybody that is living in the immediate area and  
7 that's.

8 MR. WARREN: How big would that buffer be?

9 MR. MEIER: Right now, it doesn't look  
10 like that we would have interest beyond the bridge.  
11 That we would never have an impact beyond that  
12 bridge. But we're, right now, in the very early  
13 stages of licensing. And I can say that now, but  
14 that doesn't mean that, for example, that we  
15 wouldn't have a contractor that may not have  
16 interest in property later.

17 MR. WARREN: I think at one point you told  
18 us that there would be some kind of almost,  
19 probably, excuse me if I say it wrong, a type of  
20 fishbowl dug out for the existing Route 7 near the  
21 lock where the plant is actually set in?

22 MR. MEIER: That's correct.

23 MR. WARREN: What happens to that excess  
24 soil there? Is that being utilized somewhere in  
25 particular, or?

1                   MR. MEIER: Yes. The plan right now, and  
2 these are initial plans, and there are several  
3 studies that get done to determine the viability of  
4 the location of the material that's coming out of  
5 it. As of right now, the plan is, in this area  
6 here, is where this flow would supposedly be.

7                   MR. WARREN: I mean I don't want to breach  
8 confidentiality, but whose property is that? Is that  
9 property, that looks like it's on the other side of  
10 the bridge.

11                   MR. MEIER: It's downstream of the bridge.  
12 The bridge is right here.

13                   MR. WARREN: Oh, the bridge is on down,  
14 yes.

15                   MR. MEIER: And we've turned the same  
16 drawing, the drawing hasn't changed any. The  
17 refinement is, is for the material to go in this  
18 area here. That's what we know right now.

19                   MR. WARREN: And then would that property  
20 be public domain? Would it be private property some  
21 day?

22                   MR. MEIER: Our intention is that if the  
23 license goes forward, we will try to acquire that  
24 property as part of the process.

25                   MR. WARREN: Just a couple of more

1 questions and then I'll let you off the hook here.  
2 I know that you said that ODOT has given, again, my  
3 wording is not the same as yours, their blessing to  
4 the project that you currently have of the road.  
5 Has any of our local politicians or state  
6 representatives spoke on this matter and have they  
7 given their blessing?

8 MR. MEIER: I would say at this point, to  
9 make sure I characterize your - - this highway is in  
10 accordance with DOT standards, in terms of the  
11 design. The Ohio Department of Transportation  
12 hasn't received a detailed design of the highway  
13 yet. They have given us some parameters to design  
14 around. They verbally said, "It looks good, it  
15 looks consistent."

16 In terms of other local politicians, we have  
17 been in touch with local politicians, but we haven't  
18 engaged them, in terms of asking for support. I can  
19 tell you that the general consensus is, is that the  
20 project is going to bring jobs, up to 400 or 425,  
21 450 jobs to this area is generally looked on as a  
22 favorable thing.

23 MR. WARREN: Well, we elect them to  
24 represent our interest. I would think they would be  
25 very interested but maybe not. I'm not sure.

1                   MR. MEIER: I would think they would be as  
2 well.

3                   MR. WARREN: And one other thing, just  
4 really entered my mind when Bev was talking. Is  
5 there a way that we can get, in writing, some kind  
6 of timeline when property will be bought, when the  
7 road will be closed, when the new road will start,  
8 when the project will start, when the project will  
9 finish, when the road will finish? Just a timeline,  
10 very simplistic. We're not engineers, we're not  
11 lawyers. We would like something that we can read  
12 and make sense of.

13                   MR. MEIER: If I gave you a timeline, I  
14 would have to take this big stamp, "Draft" and put  
15 it on.

16                   MR. WARREN: I would be okay with that.  
17 (Laughter.)

18                   MR. MEIER: You might be okay, but others  
19 may feel differently. What I can tell you is, let's  
20 say everything goes forward and is positive on all  
21 the environmental aspects and our member  
22 municipalities say, "Go forward, gung ho." Then  
23 that schedule would be the license gets issued say  
24 some time in 2014.

25                   So that process starts, there is some

1       permitting and post license requirements that come  
2       after that, that maybe take a year or a little bit  
3       longer. So, that pushes into 2015. So earliest,  
4       earliest type of thing for construction is sometime  
5       in 2015. Earliest that we would talk to the  
6       landowners to acquire properties would be some time  
7       after the license is issued and before construction  
8       starts.

9               I can't narrow it down much more than that,  
10       because it's determined, there's about 1,000 other  
11       factors that go into the determination, including  
12       the state of the economy, power supply prices and  
13       all those other factors that I can't recall.

14               MR. WARREN: One last question. My  
15       secretary was involved, her personal property was  
16       involved back in the '70s when the Mountaineer Plant  
17       was built. And they were informed that their  
18       property would not be affected. And in the end, 18  
19       additional properties were purchased for that  
20       project, including theirs. What percentage of  
21       likelihood is there that you would take more  
22       property than what you are estimating that you will  
23       take now?

24               MR. MEIER: I would say it's unlikely  
25       that we would go far beyond our existing, the

1 existing, certainly far beyond the existing study  
2 areas now. I can tell you that AMP is empathetic  
3 with the landowners. I understand what you're going  
4 through. I wish that I had unlimited funds to be  
5 able to commit and go out and acquire all the  
6 properties now. But that's a significant  
7 expenditure for AMP and its members. And-

8 MR. WARREN: We'll survive. We just want  
9 to be treated fairly.

10 MR. MEIER: Absolutely. And we're, as an  
11 organization, we're trying to do that. And I  
12 understand that it probably doesn't feel that way.  
13 But the piece that we are looking at is once the  
14 highway design is completed, that pretty much tells  
15 us the impact. The plant has the ability to shift a  
16 little bit in this direction, either way, based upon  
17 the final geotechnical portion. But that's not  
18 going to change acquiring the properties that are in  
19 our existing footprint and those that we have listed  
20 that we have interest in. The only things that  
21 could change that would be if the state came back  
22 and said to change something with the highway. And  
23 that isn't what they have been telling us thus far.

24 MR. WARRENTON: Thank you.

25 MS. MCLANAHAN: Thank you Jerry. Any

1 other comments or questions?

2 MS. JEFFERS: I have another question.  
3 Just suppose this drags out longer, which it looks  
4 like it is going to. Where do the property owners  
5 stand if they decide they don't want to sell their  
6 property?

7 MR. MEIER: It's either way, right? So,  
8 if you decide you want to keep your property and you  
9 invest in your property, it raises the overall  
10 appraised value of your property. And then three  
11 years from now AMP decides to go forward. Then  
12 there is an appraised value. When we make offers to  
13 acquire property, we look at appraisals and we've  
14 always been able to reach successful agreement with  
15 all the landowners that we've talked to.

16 MS. JEFFERS: But just suppose they decide  
17 not to sell?

18 MR. MEIER: Not to sell their property?

19 MS. JEFFERS: Yes.

20 MR. MEIER: I think that the process is  
21 this. Is once FERC issues the license and the  
22 project boundary is established, then AMP acquires,  
23 as part of that license, the federal power of  
24 eminent domain to take those parcels that are in  
25 that area.

1           Now having said that, AMP has never went  
2 through the process of using federal power of  
3 eminent domain to acquire the property. Because  
4 we've always been able to reach an agreement with  
5 the landowners. That's what I can tell you.

6           MS. JEFFERS: If this takes place,  
7 timeline wise, do you give the property owners six  
8 months or more to find another place to live?

9           MR. MEIER: That's another fine question,  
10 and I can tell you this. That once the decision is  
11 made to go forward, that AMP will work with each of  
12 the property owners the best that we can to give you  
13 the maximum amount of time that you need to make a  
14 decision.

15           MS. JEFFERS: How many months before the  
16 project starts will we be notified?

17           MR. MEIER: Well, the first part would be  
18 the license being issued, okay? So once the license  
19 is issued sometime in 2014, there is a process that  
20 starts on AMP's side with all the permitting and  
21 post licensing studies. And then once the  
22 permitting and post license study, some time in that  
23 year to two year time period after the license is  
24 issued, the decision is made by AMP's members  
25 whether to commit the capital funds necessary for

1 the project to go forward.

2 MS. JEFFERS: Did I hear a year to two?

3 MR. MEIER: Yes.

4 MR. CARSON: Just to clarify, I don't  
5 think you said a year or two.

6 COURT REPORTER: Please introduce  
7 yourself, sir.

8 MR. MEIER: This is Kent Carson, he's our  
9 director of communications with AMP.

10 MR. CARSON: I just want to make sure that  
11 there wasn't a miscommunication.

12 MR. MEIER: Yes.

13 MR. CARSON: You heard a year or two, that  
14 process, post license before construction starts.

15 MR. MEIER: Yes.

16 MS. JEFFERS: So, we're going to have more  
17 than six months?

18 MR. MEIER. I would suspect that AMP would  
19 be able to tell you six months ahead of being able  
20 to move. And the reason I suspect that is from the  
21 decision making process to go forward, there is  
22 usually a lag of months before the project gets  
23 financed. There's usually a lag in the permitting  
24 process. But as soon as the decision is made by the  
25 members to go forward, there is usually at least

1 three months and probably closer to six months  
2 before anything happens, the first shovel hits the  
3 ground.

4 That's the experience that we've had on our  
5 existing projects. Can I absolutely 100 percent  
6 guarantee six months? No, I can't.

7 MS. JEFFERS: Can we call on you to help  
8 move?

9 (Laughter.)

10 MR. MEIER: You can call on me to help you  
11 move.

12 MS. JEFFERS: You know I don't mean to be  
13 contrary, but I'm speaking - - the people, the  
14 concerns, the elderly. They don't have means to get  
15 out and do this. They just don't have the means and  
16 some of them doesn't have a family or whatever to  
17 help them move. And you know it takes at least 30  
18 to 60 days, once you decide on a piece of property,  
19 to get it.

20 I mean it's got to go through all the right  
21 proper channels and everything. You know that.

22 MR. MEIER: I do know that.

23 MS. JEFFERS: And I don't know, it's just  
24 dragging and dragging and dragging on. And it is  
25 hard on our community.

1                   MR. MEIER: The process for large projects  
2 like this, from the time that funds begin to start  
3 being committed to it, til the time that the project  
4 becomes commercially operable is usually an eight to  
5 ten year period. That is just the normal routine.  
6 I can tell you that the existing four projects that  
7 we have going forward, we started in 2006.

8                   MS. JEFFERS: But it is just not fair to  
9 the people. It really isn't.

10                  MR. MEIER: I understand.

11                  MS. JEFFERS: You're putting our lives on  
12 hold. What about the reappraisals? Are there going  
13 to be reappraisals?

14                  MR. MEIER: I think there will have to be,  
15 because of the lag in time. An appraisal that may  
16 be five years earlier is definitely going to be  
17 outdated. And if we only did external, I think we  
18 only did initial external appraisals. If we did  
19 external appraisals, then my guess is if the AMP  
20 members go forward then we're going to have to do a  
21 much more thorough appraisal external and internal  
22 to help arrive at that value.

23                  MS. COX: Lori Cox, L-O-R-I C-O-X.  
24 Given your experience with these other projects and  
25 timelines, would you say that there is a better than

1       50 percent chance or a less than 50 percent chance  
2       this project is going forward?

3               MR. MEIER: That is an excellent question.  
4       Today, right now power supply prices in other  
5       markets are much less expensive than hydro. So, if  
6       you looked at market prices, there may be in that 50  
7       dollars a megawatt hour. Hydro is pushing up here  
8       over 120 dollars a megawatt hour. So right now, the  
9       hydro projects are much more expensive.

10              Factors that would help or would determine that  
11       would be is if that spread becomes closer. That  
12       means existing power supply prices increase and  
13       hydro at least stays the same. There is, right now,  
14       a glut of natural gas. There is a lot of natural  
15       gas plants being developed. There is oil prices,  
16       and construction costs as a whole keep going up, up,  
17       up. So, the answer that I want to give you is it's  
18       driven by market. So, if I said a 50/50 today,  
19       tomorrow that may come back and be 60/40 or maybe  
20       20/80. It's largely driven by factors that AMP  
21       can't control.

22              But I can tell you this, that AMP is constantly  
23       in the power supply market and evaluating sources of  
24       power. AMP has made a serious commitment to  
25       renewable energy. In the four existing plants that

1 we have today, that commitment is well over a  
2 billion and a half dollars. And if the members  
3 decide to go forward with this project, it is a  
4 serious commitment is another 400 plus million.

5 MS. COX: So, it better be worth it?

6 (Laughter.)

7 MR. MEIER: Today, I really don't know.  
8 It would be pure speculation for me to give you a  
9 percentage. And you'd probably get a different - -  
10 you have so many different - - in AMP's  
11 organization, they would give you a different  
12 percentage than I would.

13 MS. NORTHUP: Northup. C-H-E-R-Y-L  
14 N-O-R-T-H-U-P. I heard you say, "If a license is  
15 issued, it's for 50 years?"

16 MR. MEIER: Yes, FERC usually issues an  
17 initial license for 50 years and then after that 50  
18 year term, currently, there's an existing one time  
19 thirty year extension, I believe.

20 MR. SMITH: It would be a re-license.  
21 Yeah, this is John Smith. It would be a re-license.  
22 They would go through another process at the end of  
23 50 years. Being that is also a project that affects  
24 a federal facility, it's in our statute that it's 50  
25 years.

1 MS. NORTHUP: Okay, well my concern would  
2 be if you decide not to go forward, do you hold that  
3 license for 50 years? You can determine-

4 MR. MEIER: No.

5 MR. SMITH: No.

6 MR. MEIER: No. As a matter of fact, FERC  
7 has been very encouraging to existing license  
8 holders that if they don't move forward by that time  
9 of commencement of construction. They have told  
10 licensees, applicants to surrender the license and  
11 allow somebody else to go through the process to do  
12 it.

13 MS. NORTHUP: So then, could the process  
14 once the license has been issued, say AEP could pick  
15 it up and develop the same project?

16 MR. MEIER: I think there's a lot of  
17 entities. If you look at, historically, among the  
18 hydro projects in the Ohio River Basin and you look  
19 back over the history since the late 1980s through  
20 today, there have been a lot of different developers  
21 that have tried to develop these projects. But the  
22 one factor that has made AMP successful in being  
23 able to develop them was their tax exempt financing.  
24 There's not a lot of entities that bring that  
25 capital ability to be able to make projects go

1 forward.

2 So, the answer is if AMP didn't develop it, I'm  
3 not sure that it would be developed going forward.  
4 I just, I can't foresee that because I look at the  
5 history of the other projects on the Ohio River,  
6 with nobody developing today outside of AMP as an  
7 organization.

8 MS. NORTHUP: I guess my concern would be,  
9 you guys decide not to do it, are we still kind of  
10 in limbo that somebody can decide to develop it once  
11 the license has been issued?

12 MR. MEIER: That limbo could be there.  
13 But I would say if AMP doesn't develop it, I'm not -  
14 - people may pick up the license, they may go  
15 through the process, they may commit millions of  
16 dollars-

17 MR. SMITH: Yeah, I mean there are some  
18 tax incentives out there right now, but we don't  
19 know if Congress will continue those into the future  
20 or not. I think the ones that are out there now  
21 require construction or operation by the end of  
22 2013, which is pretty soon. So, somebody may jump  
23 on it, but it's hard to say for sure.

24 I mean I could add one other thing about the  
25 schedule. I think the 2014 is - - well no, it may

1 be the other direction. If we get all the  
2 information we need, there aren't a lot of issues  
3 from the agencies and the local landowners.

4 The step from the draft document, NEPA  
5 document, to the final may not have to even occur.  
6 We have also issued a lot of single NEPA documents.  
7 The Corps would have to agree with that. I don't  
8 know what their thoughts are on that. But it  
9 depends a lot on the number of issues that we are  
10 analyzing.

11 And then, even if we do a draft and a final  
12 NEPA document, a typical license issuance is  
13 usually, can be within three months. It doesn't  
14 always take a whole year to get a license out. And  
15 again, it depends on the number of issues that are  
16 surrounding the project. So, there is a range. It  
17 can be anywhere from 2013 to 2014 for our action.

18 MS. NORTHUP: And I want to state, same as  
19 Bev, I'm all for this project. I think this is the  
20 way to go with our resources. But there again, it  
21 affects people as well as it does the mussels and  
22 plants and bats and everyone else. And no one seems  
23 to be really looking at the people that are going  
24 through this.

25 MR. MEIER: Well, I think this process is

1 set up just to do that. I think this process of  
2 having these people here today from various federal  
3 and state agencies - - I think that this, the  
4 process, the fact that we have someone here  
5 transcribing it. People here from Washington, here  
6 asking for comments, your comments, is to get those  
7 into a matter of record, so that those issues are  
8 all addressed as part of the licensing process. And  
9 this is part of the process that I talked about a  
10 year ago that would come, where you have an  
11 opportunity to speak.

12 And you're going to get the opportunity to  
13 speak again. Because as these documents come out  
14 and they are copied on them, there is opportunity  
15 for you to comment on the draft license issuance,  
16 certainly the EA. There's a lot more opportunities  
17 that will be forthcoming. The Corps notice on the  
18 permitting side of it. But this is the process.

19 MS. NORTHUP: And I do want to add you  
20 have been down and talked with us several times, and  
21 you've always been open for our comments and  
22 questions and tried to answer those.

23 MR. MEIER: Amp has tried to be as  
24 forthright and up front with you on the process all  
25 along.

1 MR. MEIER: Any others?

2 MS. MCLANAHAN: It looks like not. So, we  
3 can bring this meeting to a close. I want to thank  
4 all of you for coming and participating in this  
5 meeting.

6 (WHEREUPON, The proceedings were concluded at 8:15  
7 p.m.)

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