

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION
Office of Energy Projects

- - - - - x
Hawks Net Hydro, LLC : Project No. 2512-069-West Virginia
: Project No. 14439-069-West Virginia
- - - - - x

HAWKS NEST HYDROELECTRIC PROJECT
GLEN FERRIS HYDROELECTRIC PROJECT

Hawks Nest State Park Lodge
49 Hawks Nest Park Road
Ansted, West Virginia 25812
Wednesday, October 17, 2012

The public scoping meeting, pursuant to notice, convened
at 7 p.m., before a Staff Panel:

- MONIR CHOWDHURY, Project Coordinator, FERC
- ALLYSON CONNER, Recreation, Land Use and Cultural
Aspects. FERC
- TIM KONNERT, Aquatic Resources, FERC
- EMILY CARTER, Terrestrial and Endangered Species
Issues, FERC.

1 APPEARANCES (CONTINUED):

2

3 CLEO DESCHAMPS, Esq., Office of the General
4 Counsel, FERC

5 With:

6 DAVID BARNHART, Hawks Next Hydro, LLC

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

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

2 MR. CHOWDHURY: I would like to welcome you all
3 to the Federal Energy Regulatory Commission's public scoping
4 for relicensing of the existing Hawks Nest Hydroelectric
5 Project, FERC Project No. 2512, and the existing Glen Ferris
6 Hydroelectric Project, FERC Project No. 14439.

7 My name is Monir Chowdhury, I'm the Project
8 Coordinator and an engineer at the Commission. I have with
9 me this evening several Commission staff members who are
10 working on these projects. I would like them to introduce
11 themselves and ask them to state what resource areas they
12 will be working on.

13 MS. CONNER: Hi, I'm Allyson Conner, and I will
14 be working with the recreation, land use and cultural
15 aspects of this relicensing.

16 MR. KONNERT: My name is Tim Konnert, and I'll be
17 working with aquatic resources such as fishery, water
18 quality and water quantity issues.

19 MS. CARTER: I'm Emily Carter, and I'll be
20 working on the terrestrial and endangered species issues.

21 MS. DESCHAMPS: Hi, I'm Cleo Deschamps, and I am
22 a legal, I'm here from the General Counsel's office.

23 MR. CHOWDHURY: We also have Mr. David Barnhart,
24 the representative for the Applicant, Hawks Nest Hydro, LLC.

25 (Slide / PowerPoint presentations)

26

1 MR. CHOWDHURY: This is our agenda for this
2 evening, so you know what to expect. I will start off with
3 some introductory remarks, and then give you an overview of
4 the process, explain the purpose of scoping, and then Mr.
5 David Barnhart will provide an overview of the project and
6 proposed project operation. I will then follow with some
7 discussion of environmental issues that we have identified
8 for this project; and I will also discuss some criteria for
9 submitting study requests; and then I'll go over some
10 important dates, and we'll open it up for questions and
11 comments.

12 I hope you had a chance to sign in; if you
13 haven't, please do so. We have some handouts; we have
14 copies of the scoping document, and also a flow chart of the
15 Commission's licensing process. So please feel free to take
16 one if you haven't done it already.

17 We have a court reporter today with us who will
18 be transcribing this meeting, because it will serve as part
19 of the Commission's official record. If you wish to speak,
20 we ask that you state your name and affiliation so the court
21 reporter can attribute the comments to you accurately.

22 We have a mailing list at the Commission, an
23 official mailing list. It is also included in the scoping
24 document. This is important because we distributed the
25 scoping document to entities that are in our official
26

1 mailing list, and also the entities that are in the
2 Applicant's distribution list. But going forward, we will
3 be only sending documents to entities that are in our
4 official mailing list. So if you'd like to be in that
5 mailing list, please follow the instructions in the scoping
6 document.

7 We also have something called eSubscription.
8 It's very nice, it helps you stay up-to-date on the project.
9 Basically what it does, once you eSubscribe to the projects,
10 you will get a short e-mail anytime there's a filing or
11 issuance from the Commission related to the projects.

12 Hawks Nest Hydro, LLC will be following the
13 Commission's Integrated Licensing Process, the ILP. You see
14 the very simpler version of that licensing process. It
15 starts with filing of a NOI and PAD, which is short for
16 Notice of Intent or Pre Application Document. It was
17 submitted in July, end of July this year. Now we are in the
18 scoping phase, and over the next several months we will be
19 working on developing study plans.

20 Once a study plan is approved by the Commission,
21 the Applicant will implement that study plan and begin
22 preparing the license application. So once the license
23 application is filed, then we call that post-filing stage.
24 Before that is pre-filing. I'll get to more detail about
25 pre-filing on the next slide.

26

1 But once the application is filed, then the
2 Commission Staff will review the application and if we find
3 it adequate, then we'll issue a notice called Ready for
4 Environmental Assessment, and we will be requesting terms
5 and conditions and interventions.

6 Once we complete our environmental analysis, then
7 we will be ready to issue a license. Hopefully a license
8 would be issued before the expiration of the existing
9 license.

10 So this is the more detailed view of the flow
11 chart; this is only the upper part of what you saw in the
12 last slide, the pre-filing; and these are the steps. As you
13 will notice, it's a very schedule-driven process; it gives
14 some certainty to all when something is going to happen.

15 So we are in Box 4 here; and comments and
16 scoping, study requests are due November 21st. Based on
17 those study requests, the Applicant is required to submit a
18 proposed study plan by January 5th, 2013; and then the
19 Applicant will have 90 days to work with the participants to
20 resolve any disagreements.

21 Now the comments on the proposed study plan are
22 due by April 5th, 2013. And based on those comments, the
23 Applicant is required to submit a revised study plan. And
24 after that, the Commission will look at all the comments and
25 the revised study plan, and make a determination; and that
26

1 we call 'study plan determination'; and once that is done,
2 then the study implementation phase starts.

3 Now I'd like to discuss why we are here today.
4 The Federal Power Act gives the responsibility to the
5 Commission to issue licenses for non-federal hydroelectric
6 projects. Now from these projects there could be some
7 environmental effects. The National Environmental Policy
8 Act requires that the Commission disclose the environmental
9 effects of its licensing actions.

10 And for these two projects, we propose to do an
11 environmental analysis in an Environmental Assessment
12 document, or EA for short. And this scoping is part of that
13 environmental analysis process. The scoping document we
14 issued in September includes a brief description of the
15 project, includes a preliminary list of resource issues we
16 have identified, and includes discussion on the studies
17 proposed by Hawks Nest Hydro.

18 The main purpose for us to be here this evening
19 is to solicit comments and input from the public, NGOs,
20 federal, state and local agencies on the issues that need to
21 be considered for environmental analysis of these projects.

22 So we'd like to talk about the issues we have
23 identified; we'd like to understand the issues that you may
24 raise; and most importantly we'd like to make sure that
25 there are not any gaps in this process. In other words,

26

1 we'd like to make sure that we cover all the issues as much
2 as possible.

3 We also need to start talking about what type of
4 information will be needed to address the issues. So that's
5 when we need to talk about study requests, and this is very
6 important. Because if there are issues, and if you think
7 that additional information will be needed, this is the time
8 for you to submit that request.

9 And we are also looking for information that will
10 help us characterize the existing environment and analyze
11 project effects. So if there are other developmental
12 activities in this area, we'd like to know. That may affect
13 the resources in the project area. Or if there are any
14 resource plans for the resources in the area that we are not
15 aware of; we'd like to know that.

16 So again, comments on the scoping document and
17 the study requests are due November 21st. And comments can
18 be given orally or written today. You can also mail it into
19 the Commission, and the mailing address is in the scoping
20 document. You can also file it electronically. All the
21 instructions are in the scoping document. And even though
22 you can file by mailing it to the Commission, we recommend
23 that you do it electronically.

24 So this is the date, very important for
25 submission of comments and the scoping document, the
26

1 application document and for requesting new studies. And
2 all filings should identify the comments by project name and
3 project number.

4 So now I'd like to turn it over to David
5 Barnhart. He's going to give an overview of the projects
6 and proposed operation of the projects.

7 MR. BARNHART: My name is David Barnhart, and I'm
8 with Hawks Nest Hydro, LLC. I'm Director of Operations for
9 Brookfield Power's Mid-America Operations and I'm an officer
10 in the Hawks Nest Hydro and the Glen Ferris Hydro
11 facilities. And again, as Monir said, I'm here to talk
12 about the project features, how we operate and information
13 about the facilities.

14 First, we'll talk about the first license
15 application, which is the Hawks Nest Hydro Facility. And
16 this is an aerial view of the facility, and located just
17 outside of Gauley Bridge, West Virginia.

18 Power from the Hawks Nest station has a frequency
19 of 25 Hertz; it's specifically designed to power the
20 equipment at the West Virginia Manufacturing Facility. The
21 entire output of the Hawks Nest station is contracted to and
22 consumed by the West Virginia Manufacturing Facility.

23 The West Virginia Manufacturing plant requires a
24 constant source of energy from the Hawks Nest power to
25 operate its 25 Hertz motor power and 25 Hertz furnaces.

26

1 Hawks Nest provides 12 percent of all the
2 renewable energy in the State of West Virginia.

3 Hawks Nest's annual payroll is about two and a
4 half million dollars per year. Hawks Nest in 2012 had a
5 spending with local suppliers of approximately a million
6 dollars.

7 Hawks Nest's annual property taxes are
8 approximately \$80,000 per year.

9 Hawks Nest has a foundation, and we've had a
10 giving of approximately \$30,000 in relief efforts; that
11 involved like with the coal mining disaster that we had,
12 support with natural gas heating costs and also the latest
13 event that we had with a loss of power and helping folks in
14 that situation.

15 The continued operation of the project supports
16 the Hawks Nest State Park with the lake that we have down
17 here; formal recreation facilities, New River access and
18 opportunities for diverse river recreational activities.

19 This map gives an aerial perspective of the
20 operation. Here we have the Hawks Nest Dam. This section
21 of the river is known as the Dries. This part of the New
22 River is diverted through a tunnel that's 3.1 miles long,
23 and in the center of it is a surge basin and a surge tank,
24 and then the Hawks Nest power facility is there; and the
25 dotted line here takes all of the output to the station and
26

1 directs that to the West Virginia Manufacturing Facility.

2 And that's a picture of the dam. That happens to
3 be a picture from late 2011, and that's at 41,000 cubic feet
4 per second of flow. Hawks Nest operation and generation
5 follows a general seasonal pattern, and we'll look at a
6 slide of that a little later. But that pattern varies with
7 precipitation in the New River Watershed and releases from
8 the Bluestone Dam. Our watershed is about 7,000 square
9 miles and is located in North Carolina and Virginia. So
10 precipitation in that area is really what powers the river
11 here.

12 The Hawks Nest is licensed as a run-of-river
13 facility. That essentially means that whatever water comes
14 in goes out, and we maintain an essentially constant pool
15 elevation. We don't draw the lake up and down to provide
16 for power operations.

17 The only thing that we do with some variation is
18 to provide for control of the release of the water
19 downstream; that's for public safety and for fish habitat.
20 I'm sure many of you here in the local area have heard the
21 sirens; and essentially when we know that we no longer have
22 generation that will end up consuming the water in the
23 river, we blow the sirens, and then there's enough capacity
24 in there, in that reservoir, to give us time to allow people
25 to exit the bypass reach, and also to reduce the rate of
26

1 change that would affect fish habitat downstream.

2 We have a continuous flow of 100 cubic feet per
3 second that's released at the dam, and that is for fish
4 habitat, and that was established in the 1987 license. Up
5 to 10,000 cubic feet per second can be passed through the
6 Hawks Nest tunnel; that's for the powerhouse hydroelectric
7 generation.

8 Flows greater than 10,100 are spilled into the
9 bypass, and it's really above 10,000. The 100 is the 100
10 cubic feet per second that's spilled all the time; and then
11 anything that's above that 100 cubic feet for fish habitat,
12 and the 10,000, that's the maximum that can be used by the
13 facility, ends going into the bypass reach.

14 In a typical year, the New River exceeds the
15 powerhouse capacity of 10,000 cfs about 30 percent of the
16 time. Again, this another view of the Hawks Nest
17 impoundment. We have two gantry cranes here, and individual
18 gates, and these are controlled remotely at our hydro
19 facility to allow us to control the pond elevation.

20 This impoundment is 243 acres. Hawks Nest is
21 bordered on the west by the facility we're at today, and to
22 the east by the railroad tracks, and it is a concrete
23 gravity dam and spillway. That essentially means that the
24 dam is held in place because it's a large weight of
25 concrete, and that's why they call it a concrete gravity
26

1 dam, and in the spillways that divert the flow when there is
2 more flow than is consumed by the power generation
3 activities.

4 The dam has 14 of those gates; each gate is 25
5 foot high and 50 foot wide. And they have a capacity to
6 spill 344,000 cubic feet per second. So much more than the
7 inflow that we would typically see.

8 Water structure conveyances, we have a 3.1 mile
9 long tunnel that I spoke of earlier, we have a surge basin
10 and a surge tank that are essentially safety valves, that
11 when there's a sudden load rejection and pressure builds up
12 in the tunnel, then the surge basin and surge tank act as a
13 pressure relief. They really have nothing to do with
14 operation or storage of water; they're strictly features
15 that protect the tunnel. And in the penstock, which is at
16 the far end of the tunnel, where the tunnel is broken up
17 into four different tubes going to each of the generators
18 within the facility.

19 This is a picture inside the Hawks Nest facility.
20 These are the first generators here, and there are four
21 generators. Each of those generators is 25 1/2 megawatts,
22 and they're all 25 Hertz generation. The powerhouse is
23 located 1.6 miles upstream of the junction of the New River
24 and the Gauley River. The four identical 25.5 megawatt
25 units total 102 megawatts of output.

26

1 About 542,000 megawatt-hours is the average
2 annual generation from this facility. The minimum load on a
3 turbine is about 7 megawatts; so when a machine that's 25.5
4 megawatts at full capacity, 7 megawatts is about as low as
5 we can go without getting into a range that the unit is
6 running at less than design and creates damage to the
7 machine.

8 The minimum flow for that 7 megawatts is
9 approximately 800 cubic feet per second. And there are two
10 5.5 mile-long 69,000 volt, 25 Hertz transmission lines that
11 connect the West Virginia Manufacturing plant, substation to
12 the Hawks Nest hydro facility. And again, all of the energy
13 output from Hawks Nest goes directly into that facility.

14 And this is the bypass reach, this is the Cotton
15 Hill Bridge, and this is farther down the bypass reach. The
16 bypass reach is also about 5 1/2 miles in length between the
17 dam and the Hawks Nest power station. The 100 cubic foot
18 minimum flow in the bypass reach consists of many individual
19 deep and shallow pool segments, and shorter runs, shoal and
20 cascade segments; and of course that is in relation to the
21 fish habitat, primarily; and that's part of the process that
22 we will undertake in looking at the fisheries aspect and
23 habitat of the bypass reach.

24 Access to the bypass reach is generally limited
25 by extremely slopes and rugged terrain. There's only a few
26

1 places that you can really get into it because of the rough
2 and the very rugged terrain. The dam, the Cotton Hill
3 Bridge and the surge basin are all equipped with warning
4 sirens to warn downstream recreational users of releases
5 from the dam through its spillway gates; and I'm sure that
6 any of you local here have seen the signs up and down the
7 rivers.

8 The Hawks Nest Dam, we really cannot control the
9 river. If we end up losing generation, if we didn't open up
10 the gate, the water would go over top of the gates. So
11 those sirens are there and the pool is there to end up
12 allowing time for recreationalists to know that increasing
13 water is coming their way.

14 Earlier I talked about the variation seasonally,
15 and this is an average. This came from the USGS site, and
16 it shows the cyclic -- this is a five year cycle. 2008
17 through 2012, and it shows the summer-winter cycle. And you
18 can see the pattern there, but you really can't understand
19 this without looking at it by the day. So we went to the
20 same site and ended up putting together a graph that the
21 five years, and this is by the day; and it came from the
22 same USGS geological. So you can look at the different
23 years. This is the same five year period, and again it
24 shows that; but it takes the averages out of it. So you can
25 see where we stand. This is the maximum capacity line at
26

1 10,000 cubic feet per second, and these lines down here
2 represent the actual daily flow for those individual five
3 years.

4 And most anything that we do as far as operation
5 of the facility and what is in the bypass reach and what is
6 in generation has to really be reflected on a daily basis;
7 there's too much variability to look at it on an average
8 basis.

9 And this one is the same kind of data, but again
10 represented by averages. In a typical year the inflow
11 exceeds powerhouse capacity of 10,000 cubic feet per second
12 approximately 30 percent of the time. So when you look at
13 this graph, here you see the 30 percent line and here's the
14 10,000. So that shows you that on average, 30 percent of
15 the time we exceed the 10,000 cfs capacity.

16 And then by the same analogy, you could say
17 roughly 10 percent of the time it's about 21,000 cubic feet
18 per second. So again when you look at it by average, these
19 charts represent the average for the facility and the river.

20 This is the same type of curbs, but now we're
21 looking at the summer months. Half of the time the inflow
22 is, and it shows the 50 percent line. So if you look at the
23 50 percent line for these particular months over the
24 project's life, you see where the individual flows are.

25 So if we take the month of July, the dark blue
26

1 line-- that's here. So 50 percent of it. So 50 percent of
2 the time it's at just under 4,000 cubic feet a second. So
3 again this graph represents the flows on average.

4 Here we have some of the recreation that we have;
5 here's a jet boat that we end up seeing, and also rock
6 climbing. We pick these up off of websites from some of the
7 local recreational activities. So we have boating, fishing,
8 wading, rock climbing, paddling and high flow events and
9 flat water; hiking, picknicking, sight-seeing, and some
10 recreational activities supported at the project.

11 We have two formal licensed recreation facilities
12 included in the project at present. At the Hawks Nest Hydro
13 Station there's fishing access on the back side of the hydro
14 station, and at the Cotton Hill access area, we have walking
15 trails down to the river to provide for fishing access and
16 access to the river.

17 Additional recreational sources, Hawks Nest Park,
18 including a boat ramp here. Annual funding of over \$100,000
19 per year for recreational development and facility
20 maintenance is included in our FERC operational budget.

21 Now we'll start talking about the other license
22 proposal for the Glen Ferris Project, 14439. And this is
23 the Glen Ferris facility. We've been in a significant
24 rehabilitation project there over the last two years. There
25 are eight machines at that facility. Two of the machines
26

1 have completed their rehabilitation, and we have the other
2 six smaller units should complete before the end of the
3 year.

4 The annual payroll for the Glen Ferris facility
5 is about \$100,000 per year. The output of the generation
6 here is about 34,000 megawatt hours, and that's compared to
7 the 542,000 for Hawks Nest; so this is a very small facility
8 in comparison.

9 We look to have some efficiency improvements with
10 this rehabilitation; this is the first major overhaul this
11 facility has had in almost a hundred years.

12 It's a 60 Hertz facility, and it continues to be
13 a 60 Hertz facility. The Hawks Nest project is not
14 electrically or commercially connected to Hawks Nest.
15 Hawks Nest is 25 Hertz, this is 60 and they are independent
16 of each other.

17 Here's the same map again, and what we're doing
18 here is taking a look at Glen Ferris. This is the dam that
19 is a much less traditional dam; much of the dam is only six
20 foot high, and the lower section is about 25 foot. And
21 this facility here also has a transmission line that follows
22 the same path but ends up being attached to the grid.

23 There's a couple pictures of the Glen Ferris
24 facility; this is a picture of the dam and a picture of the
25 facility, and this is after the upgrade. It's located on
26

1 the Kanawha River, just downstream of the confluence of the
2 New and Gauley Rivers.

3 A 2.2 mile long, 397 acre impoundment extends
4 from the Dam to the confluence of the New and Gauley Rivers,
5 and it's about .3 of a mile downstream in the Haws Next
6 Powerhouse.

7 It is a concrete dam; the spillways are located
8 immediately above the Kanawha Falls. There's two
9 powerhouses; the east and the west. The east powerhouse was
10 there first; it has about 2 megawatts of generation, has
11 been there since 1898; and what we call the New Powerhouse
12 was put in in 1917. It's about three megawatts.

13 And the total output of all of them together is
14 5.45 megawatts. It also is a run-of-river operation;
15 there's no pondage, no storage capacity there. Either you
16 use the water for generation or it's spilled over the dam.

17 The maximum flow through the powerhouse exceeds
18 the station use of 3,300 cfs about 80 percent of the time.
19 So again, the total use of this facility is 3300 cfs. At
20 that point, any additional water in the river ends up
21 flowing over the dam. And again, that occurs about 80
22 percent of the time.

23 And this is another picture of the Glen Ferris
24 facility, taken just downstream. This is the west
25 powerhouse, the east powerhouse, and this is the one that
26

1 was built in 1917.

2 Recreational activities; boating, fishing,
3 picnicking, sight-seeing. We have one formal licensed
4 recreational facility there, and we have a non-swimming
5 beach area overlooking the falls; and a fishing area that
6 also has handicap access for fishing.

7 Additional recreational resources: the DNR
8 Brookfield's and Falls View recreational areas that are just
9 outside the project boundary; but are supported by our
10 operations.

11 Annual funding, in excess of \$100,000 in
12 combination with the Hawks Nest project, so those are
13 included in the use of the local DNR in supporting
14 activities related to the river.

15 Relicensing process, many of you ended up with
16 this pre-application document. So this pre application
17 document, prepared by Brookfield, is a comprehensive
18 overview of existing information available relative to the
19 power and non-power resources of the project.

20 Twelve organizations responded to our PAD
21 information questionnaire out of about a hundred that were
22 sent out, and provided information about project resources,
23 and issue of interest. And these are the organizations that
24 responded to our PAD request. The Corps of Engineers at
25 Bluestone, National Park Service, Whitewater, USDA, Homeland
26

1 Security, DNR, SHPO, West Virginia Manufacturing, Citizens
2 Action Group, West Virginia Professional River Outfitters,
3 Indian Nation respondents.

4 The PAD distributed to those 100 parties who were
5 again notified by FERC of this scoping meeting.

6 Potential studies or information needs. So based
7 on the information that was collected from the PAD that we
8 sent out in conjunction with the FERC ILP process study
9 scoping, Brookfield anticipates addressing the following
10 resource areas. And they include water quality, fisheries
11 and aquatic habitat, terrestrial resources, threatened and
12 endangered species, recreation, culture resource, historic
13 properties.

14 And the formal FERC process, opportunities to
15 participate have been and will be highlighted by FERC. All
16 public relicensing documents will be available in a public
17 website; and if you write that down, that website went up
18 today, and many of the documents and information that I just
19 went over are available at that website now. So if you'd
20 write that down and you want to follow the progress, we will
21 keep that up to date throughout this five-year process.

22 I'll give you a couple minutes to write that
23 down.

24 (Pause)

25 The formal distribution list for future ILP

26

1 transmittals by Brookfield will include all required
2 agencies and tribes and organizations that have requested to
3 be, will remain on the formal project distribution list.

4 All stakeholders are encouraged to contact
5 Brookfield directly at any time with any questions or
6 concerns; and again I'm one of the contact points, and my
7 contact information is listed there. Again, I'll leave
8 that up there if you wish to write that down.

9 So I guess at this point I've kind of gone over
10 the project description and the physical aspects. Are there
11 any questions about the technical data presented?

12 And it's not on the website right now, but I
13 think very shortly we will have these slides and the data
14 contained therein posted on that website that I gave you the
15 address to. So don't worry about taking notes on that or
16 remembering what it said; it will be posted on the website
17 for you.

18 Anything else? Okay. Thank you.

19 MR. CHOWDHURY: Thanks, David.

20 The scoping document that we issued in September,
21 that includes a list of resource issues that we have
22 identified and we are planning to analyze for our
23 environmental analysis.

24 Areas there are issues we have identified are in
25 the following -- and I'll go over each of them -- the
26

1 following slides. Aquatic resources, terrestrial,
2 threatened and endangered species, recreation and land use,
3 cultural resources and developmental resources.

4 This list and issues are preliminary and not
5 intended to be exhaustive or final. And that is why we are
6 here to listen from you and get your input, if there are any
7 other additional issues that we should consider.

8 So for equity resources, we will be looking at
9 effects of project operation on water quality. We will be
10 looking at the minimum flow and the ramping rate, and were
11 any effects on aquatic habitat in the bypass reach. We also
12 will be looking at effects of entrainment and impingement on
13 fish populations.

14 For terrestrial resources, we will be looking at
15 project effects on wetlands, riparian - littoral habitats,
16 terrestrial wildlife or botanical species, and we will also
17 be looking at effects of maintenance activities on these
18 resources

19 For threatened and endangered species, we will be
20 looking at effects of project operation on endangered
21 species like Indiana bat, shovelnose sturgeon, a species
22 which is proposed for listing as threatened; we will also be
23 looking at the effects of project operation on endangered
24 mussel species.

25 For recreation and land use, we will be looking
26

1 at whether the current existing facilities would meet
2 current and future demands. We also would like to look at
3 effects of project operation and maintenance on recreational
4 opportunities and river access in the project area.

5 For cultural resources, we will be looking at
6 effects of project operation on any historic, traditional or
7 archaeological resources that may be eligible for National
8 Register for Historic Places.

9 For development resources, we will be looking at
10 effects of project operation on energy and capacity
11 benefits. We will be looking at, if there are any proposed
12 changes in operation in terms of flow, how that would affect
13 project energy and capacity benefits.

14 We also will be looking at if there are any
15 proposed measures, how that will affect the value of project
16 power.

17 So we would like to know if there are any other
18 issues that you think we should consider. You can speak
19 today or you can provide comments, and those comments are
20 due November 21st, this year.

21 Now for study requests, for any new study request
22 you have to follow this criteria. They were developed to
23 better focus study requests so that they are relevant to the
24 project, they're within reasonable cost, and they are
25 within, the studies use acceptable methodologies. So these
26

1 are not regulations; again, this is to better focus
2 resources this criteria will develop. And this is very
3 important. If you request a study you have to address each
4 of them.

5 So these are important dates. Again, comments
6 and study requests due November 21st, and then Hawks Nest
7 Hydro will, based on the comments and the study requests,
8 the Applicant will submit a proposed study plan to the
9 Commission by January 5, 2013. Then the Applicant is
10 required to conduct meetings with the participants and
11 stakeholders and get their input, try to resolve any
12 disagreements.

13 And then they are required to submit a required
14 study plan which is due by May 5th, 2013. Based on these
15 comments, the Commission will then make a determination by
16 June 4th, 2013.

17 So are there any questions, comments?

18 Yes, feel free to come up and talk.

19 MS. CARTER: We can go ahead and ask, are there
20 people that would like to come up and go ahead and give us
21 oral comments tonight that we can put into the record?

22 If you would raise your hand so we can have an
23 idea who is interested. [Show of hands]

24 We just have a few people. So come on up.

25 MR. LANGE: Thank you for allowing me to speak.

26

1 My name is Russ Lange. I'm the corporate Energy Manager for
2 Globe Metallurgical. Globe is a producer of silicon alloys
3 and silicon-based alloys with several facilities in North
4 America. One of our facilities under our umbrella is the
5 local WVA Manufacturing Facility here at Alloy which, as the
6 locals probably just call it Alloy.

7 One of the partial owners of the Alloy facility
8 is a company that uses the silicon that Alloy produces, and
9 is one of the largest producers in the world of solar cells
10 for photovoltaic energy; so they take the silicon from the
11 Alloy facility and further refine it for solar. Silicon is
12 also used in the production of aluminum; it's an alloying
13 agent for aluminum. On an automobile, for example, silicon
14 metal is in a rim on an automobile; it makes cars lighter
15 and more fuel-efficient.

16 Any increase in the water flow above the current
17 license through the bypass decreases the silicon production
18 at this facility and increases the Alloy's production cost,
19 which could have a severe impact on the operations.

20 A few statistics about the Alloy facility.
21 Current employment is right around 250 full-time employees.
22 Annual payroll of almost \$13 million, with taxes and
23 worker's compensation, total payroll in the range of
24 \$13.7 million. Other tax activities, property taxes, estate
25 taxes, income taxes, so forth, of approximately \$1.6 million

26

1 a year.

2 We purchase several raw materials in the
3 production of alloys from West Virginia-based companies, and
4 with electricity being one of our raw materials, actually,
5 along with coal, wood chips, logs; and those raw materials
6 from West Virginia-based companies for our last fiscal year
7 totaled \$58,700,000.

8 We also purchased from multiple local facilities;
9 steel fabrication shops, contractors, local hardware stores,
10 et cetera for parts and maintenance-based supplies, and
11 those activities totaled just a shade under \$7 million in
12 our last fiscal year which the grand total, the economic
13 impact of this facility in our last fiscal year just on West
14 Virginia is approximately \$81 million.

15 As I mentioned before the alloy facility is, as
16 David mentioned, is very unique; our 25 cycle furnaces are
17 really the only furnaces like this in the world; they were
18 installed by Union Carbide back in the day, because 25 cycle
19 power from Hawks Nest allowed them to install 25 cycle
20 furnaces to consume that electricity, and which is a very
21 energy-efficient method; and the furnaces here are world
22 class from an efficiency standpoint in the way they produce
23 silicon.

24 The 25 cycle electricity feeds several areas of
25 our facility, and the loss of that electricity would affect
26

1 the following areas: It would not allow us to transfer
2 electricity from our 60 cycle system to our 25 cycle system.
3 There's an engineering method behind that. Direct loss of
4 process power to two of our five furnaces, furnace 3 and
5 furnace 14. The loss of all but one of our process water
6 pumps for, process water for use within the facility. Loss
7 of three of seven process air compressors; we use quite a
8 bit of compressed air for different processes in the plant.
9 Loss of our plant dust collector system for pollution
10 control; and the raw material and mixed delivery car and the
11 loss of our fire pump capability. The overhead hot metal
12 cranes are 25 cycle powered. Loss of what we call our
13 crushing and sizing area, or as they called it, the plant's
14 No. 7 packing department.

15 So there are several areas of the plant that
16 losing any 25 cycle power has a direct impact. And
17 basically, for every cubic foot of water that is run over
18 the spillway and not through the production through the
19 hydro adds to the production cost of the facility.

20 In conclusion, Alloy, West Virginia Manufacturing
21 has a direct interest in this proceeding, and we look
22 forward to continue discussions with all parties. Thank
23 you.

24 MR. SPRULL: How you all doing tonight? My name
25 is Nick Sprull, I'm a local rock climber who lives in
26

1 Beckley, West Virginia. I moved to this area two years ago
2 from Virginia Beach, Virginia specifically for the rock
3 climbing. I uprooted my business that I had started for a
4 year in Virginia and took a risk just because the rock
5 climbing is so good here.

6 The Dries, the section of the Dries that we're
7 climbing at now, downstream from Hawks Nest; if you've been
8 to Hawks Nest Dam, I'm sure you've seen the freestanding
9 boulders down there and probably even people like me walking
10 around with large pads on our backs. We're the rock
11 climbers who use that area. Also at Cotton Hill, if you
12 park at the Hawks Nest parking lot just below the dam and
13 walk up the hill, there's a trail that leads to a cliff
14 where people will use for rock climbing.

15 A local organization called NRAC, which is the
16 New River Alliance for Climbers worked with the landowners
17 to give us permission to use these areas for recreation.
18 We're currently trying to work with them to get permission
19 to have access to other parts of the Dries farther
20 downstream.

21 I've walked personally from -- I've personally
22 hiked a good portion of the Dries. That whole five mile
23 stretch is beautiful. If you've been down there on the
24 river -- if you go down there and have been down there,
25 spent any kind of time there, there's noplacelike it.

26

1 I've rock climbed all over the country. Most of my time has
2 been spent on the East Coast, and there's no place like the
3 Dries as far as rock climbing is concerned.

4 The minimum flow is really the only thing that
5 can affect the rock climbing down there. Right now, 100 cfs
6 is honestly perfect for what we need as far as the rock
7 climbing. It gives us access on the river from, in some
8 areas to actually rock-hop across and gain access to the
9 other side, which you can't access because of the CSX -- you
10 know, that's private property, they don't want any of the
11 public out there. So by working with the landowners who own
12 the power plant -- is that Alloy that own that whole stretch
13 of land? NRAC, we're working with them trying to get
14 permission to maybe build some trails.

15 We've talked with the Hawks Nest Country Club,
16 they've given us permission to park and use their parking
17 lot. So hopefully, we're trying to get permission to gain
18 access to the other parts. They talked earlier about,
19 there's a lot of areas on the Dries that are steep and
20 inaccessible because of the rugged terrain. NRAC and other
21 climbers and other organizations in the climbing industry
22 would work with you guys to put these trails in. Volunteer
23 hours, we can get that type of stuff done so that other user
24 groups can access that part of the river as well; such as
25 hikers, climbers, fishermen, just anybody who wants to be
26

1 down there.

2 I think it's a beautiful place and we need to
3 protect it as far as climbing goes. And NRAC is probably
4 the best way to get in touch with any of the rock climbers,
5 if you have any questions, pretty much. I don't really know
6 what else to say.

7 AUDIENCE: What kind of money does rock climbing
8 generate?

9 MR. SPRULL: I would say just as much as the
10 rafting industry. The rock climbers here, we stay in
11 Fayetteville, we stay at the local hotels and the privately-
12 owned campgrounds and stuff like that. Rock climbing is an
13 all-year-round thing; it's not a seasonal activity. Our
14 main season is the fall and winter seasons. When it's cold
15 is when you're going to see more climbers out there.

16 We're there all year round, we use that area.
17 Like I said, I live in Beckley but I spend two to three days
18 a week easily out there hiking around on the Dries and rock
19 climbing.

20 AUDIENCE: You don't have any definite
21 statistics?

22 MR. SPRULL: No, I don't have any statistics, but
23 I'm sure we can get that figured out.

24 AUDIENCE: How many people do you employ?

25 MR. SPRULL: Employ? We don't employ any.

26

1 AUDIENCE: How many people do you employ.

2 MR. SPRULL: I said we don't employ any. We're a
3 user group; we're recreation.

4 Any more questions?

5 All right.

6 MR. CHOWDHURY: Thanks.

7 Is there anyone else?

8 AUDIENCE: Is there any way to turn up the
9 volume?

10 MR. CHOWDHURY: Yes.

11 AUDIENCE: That would be very helpful.

12 MS. CARTER: Make sure when you talk into it that
13 you get close to the microphone.

14 MR. SIZEMORE: Okay, I will direct my comments to
15 this group.

16 MR. KONNERT: That's fine.

17 MR. SIZEMORE: My name is Fred Sizemore. I am
18 the President of Local 8-89 at Alloy. I represent the
19 hourly employees down there. We perform the work in making
20 silicon metal.

21 We're represented by the United Steelworkers of
22 America, the largest industrial labor organization in North
23 America. I've worked at the Alloy plant for 39 years.

24 The Alloy plant makes silicon metal. There are
25 four key components in making silicon metal. One of them is
26

1 coal, the other one is wood chips, hardwood chips; the other
2 one is charcoal. The main ingredient is gravel, from
3 Louisiana, which has a chemical name of SiO₂. That means
4 it's silicon and oxygen bonded together in a concrete form.

5 When these four components are put under an
6 intense heat of an electric arc furnace, the immense heat
7 liberates the oxygen from the silicon. The silicon being
8 the heavy element, will drop down to the bottom of the
9 furnace and collect in the pool. The oxygen, those
10 molecules run around inside the furnace and try to bond with
11 carbon, which comes from coal and wood chips, and goes out
12 the top of the furnace as CO₂.

13 The silicon metal that's produced at Alloy is the
14 highest quality in the world. And I can say that without
15 reservation because I've had so many of our customers tell
16 us that.

17 The Hawks Nest Dam was a symbiotic relationship
18 with Alloy plant. The two were originally designed to be
19 together. The Hawks Nest Dam was designed to provide
20 hydroelectric power to the Alloy plant. It wasn't designed
21 for flood control nor recreation. It didn't change the
22 level of the river; the only thing it did was divert a
23 certain percentage of the water coming down the New River
24 through a three and a half mile long tunnel to generate 25
25 cycle power.

26

1 Now this 25 cycle power is integral to the
2 operation of our plant, because so much of our equipment was
3 put in in the 1930s and the 1940s. We have 25 cycle pumps
4 and motors that you cannot buy. When these things wear out
5 we have to have them rebuilt at rebuilt shops. It's like I
6 say, the 25 cycle power is our control power, our process
7 pumps, and the operational furnaces are totally dependent on
8 25 cycle power.

9 Now we have a little over 200 hourly employees
10 working at the Alloy plant, and right at 48, 49 salaried
11 people. And I'm really speaking for everybody at Alloy
12 because I can have the flexibility of looking at this from
13 the working guy's side of it. For 39 years, the Alloy plant
14 has provided sustenance for my family and myself, and made a
15 good living and raised three children.

16 We have continued to hire new people as the old
17 people retire. We continue making a quality product at the
18 Alloy. But to do this, we have to have the right materials
19 and we have to have power, because it is so energy-
20 intensive. The metal tests out of the furnaces at 2700 to
21 3000 degrees. It's hot, dirty work, but our pay rate at the
22 Alloy plant is one of the highest in Fayette County for
23 hourly employees. On the average, it's \$22 an hour. That's
24 for the hourly.

25 In the fall of 2008, we were threatened with
26

1 what's called a free trade zone, in this country, and that's
2 where they try to import Chinese silicon metal into this
3 country without paying the countervailing and antidumping
4 duties on it. Myself and the owners of the company went to
5 Washington and appeared in front of the Free Trade Zone.
6 With the amount of information we had, and the economic
7 impact of that plant on Upper Kanawha Valley, the Free Trade
8 Zone Board ruled in our favor. They saw how important this
9 little plant was to thousands of jobs in this area.

10 So we're directly impacted by anything that
11 happens at the Hydro. I don't have a dog in the race as far
12 as working at the Hydro, but we're impacted by what happens
13 up there, coming down the transmission lines to our plant.
14 And I want to emphasize how important it is that the water
15 continue flowing through that tunnel for the sustenance of
16 jobs, good-paying jobs and economic infrastructure of
17 Fayette County.

18 Thank you for your time. I'd like to ask if
19 there are any questions somebody might have.

20 AUDIENCE: I have a question.

21 MR. SIZEMORE: Go ahead.

22 AUDIENCE: What happens when you, if there's not
23 enough water -- it's rare, I understand. If there's not
24 enough water to come through there to create power for you
25 guys -- now you have some 60-to-25 that you can convert, but
26

1 if you don't get any power at all, you have to shut totally
2 down?

3 MR. SIZEMORE: We have to have power, and we do
4 drop the level on our furnaces.

5 AUDIENCE: You have to do what?

6 MR. SIZEMORE: We have a power curtailment. We
7 have cuts called P4 power, P3 power and P2 power. Depending
8 on the demand on the grid from AEP -- a lot of times during
9 the summer their air conditioner usage and stuff will be so
10 high that they say, "We can't provide everybody power, so
11 we've to curtail your power for a limited amount of time,"
12 usually in eight hour blocks.

13 AUDIENCE: And don't you pay a fee to have access
14 to that grid, whether you use it or not?

15 MR. SIZEMORE: It's -- take it or lose it, you
16 still pay for it.

17 AUDIENCE: That's the Hydro.

18 MR. SIZEMORE: Yes, that's right; from
19 Brookfield. I'm sorry.

20 AUDIENCE: All right, say that again so we're
21 clear.

22 MR. SIZEMORE: The Brookfield contract. I'm not
23 familiar with the contracts the company has with --

24 AUDIENCE: That's fine. That's fine.

25 MR. SIZEMORE: But I do know that what we don't
26

1 take, we have to pay.

2 But again with AEP power, they do drop our power
3 sometimes because of overload on the grid. Sometimes we
4 don't have all the power we need from them.

5 AUDIENCE: Appreciate it.

6 MR. SIZEMORE: Yes?

7 AUDIENCE: How often do you guys -- like, what's
8 the average of that happening? How often does that happen
9 where you guys have to buy supply power from someone else?

10 MR. SIZEMORE: Not very often. It does happen
11 frequently, though, when it gets real hot.

12 AUDIENCE: When it gets hot?

13 MR. SIZEMORE: Yes.

14 AUDIENCE: So in the winter it's not that big of
15 an issue?

16 MR. SIZEMORE: Not during the winter, no; I don't
17 think so. Steve Clay over there, the plant manager, can
18 probably answer that better than me.

19 (Simultaneous discussion)

20 MR. KONNERT: Excuse me. Real quick, just to
21 interrupt real quick. If you guys are speaking up, can you
22 please state your names and affiliation, just for the court
23 reporter so he can attribute comments?

24 MR. SIZEMORE: Okay, I'll go ahead and sit down,
25 Steve.

26

1 MR. CRAILIN: Maybe I can just help this question
2 or something. I'm Steve Crailin (ph), I'm the Plant Manager
3 at WVA Manufacturing.

4 You inquired about AEP interruptions.
5 Traditionally, that's been more of a problem in the winter
6 months with extreme cold. But the last few years we have
7 experienced short duration interruptions.

8 As Russ went through a few minutes ago, the 25
9 cycle is so integral to our process that, for example, if
10 we're at that 60 or 70 percent of the year that he talked
11 about being below the 30 megawatts -- is that correct -- we
12 have to supplement that with AEP power. But the way our
13 processes are designed, two of our major furnaces rely
14 completely, 100 percent on 25 cycle. They cannot be
15 switched, one to the other. Two of the five furnaces can
16 convert and use 60 cycle to 25 cycle, too. But if there's
17 no 25 cycle power entering that side of the system, you lose
18 the ability to convert.

19 All of our water pumps except for one emergency
20 water pump are 25 cycle. Water is integral to the furnaces
21 to maintain the cooling capacity through the electrically-
22 charged components. If you don't have the 25-cycle to run
23 those pumps, we can't run anything in the plant.

24 For example, for the last few months there's been
25 a handful of days that we've had above 30 megawatts of power
26

1 available from Brookfield. If, for example, you took the
2 3,000 you're talking about or 30 megawatts away from our
3 plant, we would be completely shut down. Our 250 employees
4 wouldn't have anything to do.

5 If you take pieces of that, we lose a certain
6 percentage of the people. So we have to be very careful.
7 What Fred said was exactly right; it's a symbiotic
8 relationship because back in the Thirties when all this area
9 was developed and built with the plant, the facility, it was
10 designed to be able to use that power; it's a renewable
11 resource, it wasn't a carbon-produced usage from, like a
12 coal-fired power plant. Although we had one for years, it's
13 no longer there.

14 So we're more and more reliant on the 25 cycle
15 that's available from Brookfield. Our best operating months
16 are when the Hydro is high, normally from November to about
17 March, April. And then as the river flow declines and their
18 ability to produce declines, there are days we actually
19 suffer load losses and production losses because we don't
20 have enough power to run and we can't convert enough power.

21 So it's really more than, okay we might lose a
22 furnace there, might lose a furnace there. If, for example,
23 some things that I've heard recently, the drive the Dries
24 are after, is to dump 30 megawatts of power down through
25 there for four or five months a year, we'll be completely
26

1 shut down, I believe, folks. I've got to do a little
2 research on that, but I think we'll not be able to run any
3 of our furnaces because we won't have any cooling capacity
4 for our pumps.

5 So it's more than just one; it could impact the
6 entire plant.

7 MR. SPRULL: My name is Nick Sprull. I just had
8 another question for that. That is with the Dries, I
9 believe, that is trying to do --

10 AUDIENCE: I'm sorry, I said dry the Dries.
11 You're correct. I meant to say wet the Dries; I misspoke.

12 MR. SPRULL: The climbers are definitely for
13 keeping the Dries dry.

14 AUDIENCE: That was what I thought I heard you
15 saying.

16 MR. SPRULL: I was looking -- if they raised the
17 minimum draw, how would that affect you guys? I'm guessing,
18 it sounds like you guys would look for every cfs that they -
19 - raise the minimum up, you guys would lose power.

20 AUDIENCE: Yes, that's correct. And we utilize -
21 - we're the sole user of the 25 cycle power we take from
22 this.

23 We use every kilowatt they generate. And if there is an
24 interruption or mechanical reason in our facility, and it
25 goes back -- there is actually a penalty to us, because
26

1 we're contracted to take everything they produce up to a
2 maximum level.

3 MR. SCOTT: Question. My name's Brad Scott.

4 Currently, how many days a year does the plant at
5 Alloy operate? On average? 365, 200, 300?

6 AUDIENCE: 365 days a year.

7 (Simultaneous discussion)

8 AUDIENCE: 24 hours a day.

9 AUDIENCE: -- basically 24 hours a day. The only
10 time that we do not operate a particular unit is if we're in
11 a maintenance or a repair situation.

12 AUDIENCE: By the way, I would like to add, prior
13 to Globe purchasing this facility, that was a problem that
14 the previous owners had down there. They didn't have the
15 additional conversion capacity, and through the summer they
16 actually did have to curtail one, two, or three furnaces
17 through the summer months; and that was when we used to have
18 to lay people off, rehire them in the fall -- we try to do
19 some maintenance at that time to minimize the impact, but a
20 lot of people lost their jobs. In fact, Fred can tell you,
21 there was a place earlier called "layoff problem." When the
22 Hydro got low, everybody knew they were going to get laid
23 off, if they were young in seniority.

24 MR. SIZEMORE: That's true; we was dependent on
25 the flow of the river.

26

1 AUDIENCE: The load has been to stabilize this,
2 to balance was enough available coming in from AEP to the
3 low seasons when Brookfield can't supply us enough. But the
4 take on the hundred percent contract is for them; the other
5 is an adjustable, up to a certain maximum; we can get it say
6 up to 110. There are 110 megawatts of power from AEP. But
7 we take every kilowatt that's generated from the Brookfield
8 generators.

9 MR. SIZEMORE: Okay, in closing, I would like to
10 remind those of you that don't know much about silicon metal
11 that in the periodic table of the elements, it is the only
12 photovoltaic metal. In other words, when light hits it it
13 makes electricity. So silicon metal is an integral part of
14 every solar cell made, and every computer chip made. And if
15 you eat a bowl of sugar with some ice, it has silicon
16 salines in it. If you put synthetic oil in your car, it has
17 silicon oil in it.

18 So it's a widespread product and it's kept this
19 plant in business for a long time. I'd like to thank you
20 all for permission to speak in front of you and give you a
21 few details about what goes on at Alloy, because a lot of
22 people don't really know what goes on at the plant. But
23 it's a thriving industry.

24 Thank you for your time.

25 MR. CHOWDHURY: Anybody else?

26

1 Well, if there are no comments.

2 MS. DRAGEN: A question.

3 My name is Melissa Dragen. (ph)

4 What's going on at Bluestone Dam by them
5 stabilizing and the possibility of them raising their lake
6 elevation? Will that help you guys in the long run in the
7 summer months so that you can maintain your steady flows?

8 Have you worked with them at all for supplemental
9 flows?

10 MR. CHOWDHURY: David, do you want to answer
11 that?

12 MR. BARNHART: It really won't make any
13 difference. In fact, really the impact is right now.
14 Bluestone Dam is flood control, and their stability problem
15 meant that they couldn't use as much of their dam to hold
16 back floods.

17 If you go back before 1950, before the Bluestone
18 Dam was there, we used to have floods that would end up
19 going over the road in Gauley Bridge; and when that dam went
20 in, the flood control elements that they did -- that's why
21 now you only see 100,000 cubic feet per second maximum. It
22 doesn't just magically always stop at 100,000. That's the
23 Corps of Engineers, that's their mandate. So they use that
24 facility.

25 Now if there was a perfect storm, that you had
26

1 all the flows there, you could get to the point of
2 overwhelming the ability of Bluestone to control it; and
3 right now the stability project they're doing is to maintain
4 their ability to have that maximum storage capacity. So
5 when they complete the project, it will put it back to where
6 it was post-that construction project started.

7 As far as the flows go to us, it really won't
8 make any difference, and we have not been impacted by that;
9 we have not had a major storm event. So Bluestone Dam
10 essentially is operated the same as they always have; they
11 just ended up saying that if that maximum storm came along,
12 we couldn't fill the dam all the way up to where we used to
13 because we were worried about it spilling. When this
14 project is done, it will be back to where it was originally.

15 MR. CHOWDHURY: Any more questions?

16 Yes, please.

17 MS. MOORE: I was looking at how that one --

18 MR. CHOWDHURY: Can you say your name.

19 MS. MOORE: Oh, I'm sorry. Kathryn Moore.

20 And I was wondering how that 100 cfs number was
21 arrived at. Like I understand that back in the Eighties,
22 six or seven or whatever, Fish & Wildlife and the Commission
23 recommended like a lot more than that, and then it was
24 wondering, where's that number come from? How was it
25 determined originally?

26

1 AUDIENCE: David, you might be able to answer
2 that better than --.

3 MR. BARNHART: I can't really answer you
4 specifically. All I can tell you is that that was part of a
5 relicensing process. It's the same process that right now,
6 all the stakeholders ended up doing their studies, looking
7 at their documentation, applying to FERC; and at that point
8 FERC determined a ruling and gave a license with that flow
9 rate, ramping rates and all the other license articles that
10 we have.

11 I can't tell you; I wasn't involved in that
12 licensing process, so I can't tell you the specifics. But I
13 know that's the general process, the same as now. All the
14 stakeholders and agencies had input; that data was all put
15 together, and ended up with a final settlement agreement.

16 MR. CHOWDHURY: I would like to add, though, we
17 have an excellent system at the Commission, it's called
18 eLibrary; and we have all the documents, all the documents
19 in microfilm. But you have to request; so if you'd like to
20 see the proceeding, how it went and how the decision was
21 made, you can look at those documents.

22 Any other questions?

23 If not, I'd like to thank you all for coming, and
24 the transcript of this meeting will be available at our
25 eLibrary system not more than 10 days from now. You can
26

1 also request hard copy; it will cost you 25 cents per page.

2 MR. KONNERT: Can I step in real quick? Just to
3 also add onto that. Any of you guys who are furiously
4 writing down the dates associated with the milestones or the
5 study request criteria we require of all study requests, all
6 those are laid out in the scoping document. You guys have a
7 copy of this that was in the back; I don't know if there was
8 enough for everybody, but if not, you can get it on eLibrary
9 as well electronically.

10 MR. CHOWDHURY: Thanks, Tim.

11 MR. COGAR: I had a question. My name is Mike
12 Cogar {ph}. Is the current minimum flow being reconsidered?
13 And if so, who is doing the studies on --

14 MR. KONNERT: My name is Tim Konnert from FERC.
15 And yes, that's something we're going to be evaluating
16 through the licensing process; that's something that
17 potentially studies may need to be done to evaluate the
18 effects, not just on aquatic resources but on recreational
19 resources, developmental resources in terms of taking away
20 generation from the plant.

21 That's what we do through licensing, is we're
22 required to do, is balancing of understanding the effects
23 it's going to have on all the resources, and make our
24 decision based on that. So yes, that's something we are
25 going to be evaluating.

26

1 MR. COGAR: So you contract with people to do the
2 studies, or?

3 MR. KONNERT: No, it could be -- that's what
4 we're going to -- the next phase that we're going to get
5 into after scoping is determining what studies need to be
6 conducted; and that is informed by study requests that are
7 filed by stakeholders as well as by Commission Staff.

8 And then once those come in, if we are going to
9 have studies on them, we'll base our recommendations on that
10 as well as input that we received from the state, federal
11 agencies, and also other stakeholders.

12 The studies, if there are studies needed to be
13 done, they are the responsibility of the Applicant, who
14 often contracts it out to consultants.

15 MR. SPRULL: My name is Nick Sprull again.

16 I was going to -- I believe you might have
17 answered part of my question just now. So what you were
18 saying is, as rock climbers being one of the stakeholders or
19 user groups that is a stake of relicensing, would we have to
20 file -- we would have to ask for our own studies, like --.

21 MR. KONNERT: You can. If you think there's an
22 information gap out there regarding the effects of the
23 project, that's really what the studies are for.

24 MR. SPRULL: What I was saying was, what that
25 gentleman asked me was what kind of numbers rock climbers
26

1 bring as a recreation to the area? Is that something that
2 we could -- economically?

3 MR. KONNERT: You can file. That's not necessary
4 -- that's not a study request. But you can always file
5 information on the record, as Monir pointed out,
6 electronically or mail, and it becomes part of the record
7 that we need to consider when making our decisions.

8 MR. SPRULL: Okay. So that would just be
9 information that we would have to look up ourselves and then
10 bring to you guys.

11 MR. KONNERT: If you wanted to be added to the
12 record to support your stance, then yes, that's something
13 that you would need to put on the record.

14 MR. SPRULL: Thank you.

15 MR. GILLESPIE: Mel Gillespie again. {ph}

16 You mentioned that studies might be necessary to
17 make this new determination. Have you thoroughly researched
18 the data from the last time to see if that is necessary?

19 MR. KONNERT: That is what we -- that's part of
20 what we consider when making a determination if studies are
21 needed. It's what information is already out there; what's
22 been collected, and if there is new information necessary.
23 I'm not saying there are studies that are needed to be done;
24 we're not at that stage yet of making that -- putting forth
25 our study request.

26

1 MR. GILLESPIE: So you've determined --

2 MR. KONNERT: But that is something we take into
3 account, is existing information. That's one of actually
4 the study request criteria, which we have to adhere to also
5 when we put forth study requests.

6 What information is out there, and why is it not
7 sufficient? Why do we need to conduct further studies?

8 MR. GILLESPIE: What I was interested in is
9 what's already in your file from the last series of
10 hearings? That was pretty extensive.

11 MR. KONNERT: Right. Well, some of that, I will
12 just say there is some data that -- when was that, 19 --

13 VOICE: '84.

14 AUDIENCE: '87.

15 MR. KONNERT: '87. So some environmental things
16 changed from then until now. I'm not commenting on this
17 specifically; I'm just saying that sometimes data is
18 outdated and we have to get new data. So that can happen.

19 MR. GILLESPIE: Interesting.

20 MR. CHOWDHURY: One more question?

21 MS. DRAGEN: You said that the --

22 MS. CARTER: Your name, please.

23 MS. DRAGEN: Melissa Dragen.

24 The Hawks Nest impound is 243 acres. Has anyone
25 looked to see if that has changed through deposition from
26

1 all of the tributary streams that come into it to see if
2 your capacity was introduced? And if so, would maintenance
3 of that sediment removal be part of this licensing process?

4 MR. CHOWDHURY: David, do you want to try that?

5 MR. BARNHART: I'm not sure, but what we're
6 talking about there is the surface area. So if the lake
7 elevation is the same -- and it is -- the surface area stays
8 the same. So what silt deposition there is shouldn't change
9 the acre surface area.

10 MS. DRAGEN: I'm sorry, I should have said acre-
11 feet.

12 You said it was a 243-acre impound. What's the
13 acre-feet that it can hold?

14 MR. BARNHART: I don't know.

15 MS. DRAGEN: And has that changed --

16 MR. BARNHART: I don't know that off the top of
17 my head. The number that I had up there was the surface
18 area and not acre-feet. I don't know about acre-feet.

19 MR. CHOWDHURY: Any more questions?

20 Okay. Thanks again. The meeting is adjourned.

21 (Whereupon, at 8:30 p.m., the scoping meeting
22 adjourned.)

23

24

25