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UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Lake Lynn Hydroelectric : P-2459-279  
Project

PUBLIC SCOPING MEETING  
  
(AFTERNOON SESSION)

Monday, September 25, 2023  
Cranberry Hotel  
Morgantown, WV 26508

The public scoping session, pursuant to notice, convened  
at 2:07 p.m. (EST)

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

2 2:07 p.m.

3

4 MR. CREAMER: Good afternoon everybody. Welcome.

5 I want to take this opportunity to thank you all for coming

6 out. If you haven't signed in, we would appreciate if you

7 did, especially if you plan to actually provide public

8 testimony. It will give us an idea of how many people plan

9 to talk, so we know how much time we can give everybody.

10 The important thing about this is that we want to

11 hear whoever wants to provide comment. We want to hear what

12 you have to say, so that's why we're asking you to sign in

13 and indicate whether you're wanting to speak or not. Okay.

14 So welcome to the scoping meeting for the Lakeland Project,

15 hydroelectric project.

16 Thank you for joining us today and for those that

17 I haven't met, my name is Alan Creamer. I am a fish

18 biologist with the Federal Energy Regulatory Commission. I

19 will be responsible for the aquatics issues associated with

20 this project, the relicensing. I will also be serving as

21 the FERC coordinator, so I will be, if anybody has

22 questions, I have a card available.

23 I can give you that card, and you can contact me

24 at any point, and I will try to answer your questions as

25 best I can. Okay. So what we're going to start with,

1 there's two pieces to this presentation at the beginning.  
2 One is I'm going to step through a little bit of what the  
3 Commission is, and what we do, and why we're here, and all  
4 that good stuff.

5 I'm also going to introduce the FERC staff here.  
6 I'll provide a short overview of the relicensing process  
7 because it is a fairly complex process, and I'm just going  
8 to hit the surface of it. We'll cover what the purpose --  
9 why we're here, the purpose of scoping. We'll go through  
10 the procedures for providing comments at the end.

11 There are some protocols that I kind of want to  
12 let everybody know about. And last, we will review some of  
13 the important dates moving forward in the process. The  
14 other part of this will be Lakeland Generation will be, I've  
15 asked them to provide a brief overview of the project, and  
16 its operations. So that will be sandwiched in between  
17 things that I'm going to be talking about.

18 Okay. So we'll start with, and like I said, my  
19 name is Allan Creamer, project coordinator, fish, water,  
20 aquatic resources. I am also responsible for addressing  
21 issues with aquatic, threatened and endangered species.  
22 With me here today on this list anyway, Indigo Brown, who is  
23 in the back, is our staff attorney.

24 And oh, I guess that's it. Sarah, our  
25 terrestrial resources person, she would deal with everything

1 terrestrial, wetlands, and the terrestrial threatened and  
2 endangered species. Mike Spencer, engineer, he will be  
3 dealing with a lot of the developmental aspects of the  
4 relicensing, the economics, and that sort of stuff.

5           Dustin Wilson, who was supposed to be here today,  
6 but texted me this morning, and told me he could not make  
7 it. He's maybe hoping to be here tomorrow for the site  
8 visit. We'll just have to wait and see. But he is our  
9 recreation/cultural person. He also deals with the  
10 environmental justice issues.

11           And then Catherine Roberts, she is relatively  
12 new. She is going to be -- she's an archeologist, so she  
13 will be working with Dustin on the cultural resources. With  
14 me today too is two of our newer staff, not necessarily  
15 assigned to the project. But in the back is Dave Gandy. He  
16 is a fish biologist with the Commission. And then in the  
17 front on the computer is Prabha Madduri. She is an  
18 engineer, and so.

19           Meeting protocols. All right. I mentioned the  
20 sign-in sheet. What's important about that is that we have  
21 an idea of who wants to speak. There are handouts in the  
22 back, most of you when you came in I know I spoke with a few  
23 people that was picking things up. There are handouts,  
24 scoping document, there's pamphlets on how to participate  
25 effectively in the process.

1           A couple of other -- my cards are on the table  
2 back there, and then now I noticed that there's a couple of  
3 other pamphlets from the organizations back there if you're  
4 interested. Facilities, if you're not familiar, it took me  
5 a minute to figure this out. You go out these doors, go to  
6 your left, the restrooms are straight ahead of you.

7           Court reporter, as you noticed we have somebody  
8 here that is recording this meeting, so there will be  
9 transcripts available in many a couple weeks, a week or two.  
10 In that regard, we ask that if you do plan to speak, use the  
11 microphone, and what I will be doing when I'm done, I will  
12 transition this to the front right here, so whoever is  
13 planning to speak can use this mic, and it will be right in  
14 between the first two rows of chairs.

15           We ask that you speak clearly and audibly, so  
16 that we can make sure we get all the words down correctly.  
17 State your name and affiliation before providing your  
18 comment. You may be asked to spell your name if it's not  
19 obvious to the court reporter, so there could be a few  
20 people like that.

21           Define any acronyms you use, otherwise the court  
22 reporter or I might be asking you what the acronym means.  
23 Speaking one at a time, which is -- and be respectful of  
24 everybody else here. And based on the numbers of people  
25 that plan to speak, I will apportion time for any comments.

1           We do that so we make sure that we get through  
2 everybody who wants to provide comments. And then we also  
3 do that so that there can be time at the end for question  
4 and answers, and we will certainly try to answer as many  
5 questions as people have to the best of our ability.

6           And I would also encourage you, as we go through  
7 this process, if something comes up and you feel like it  
8 can't wait until the end, feel free to interrupt. Okay.  
9 So, Federal Energy Regulatory Commission. A little  
10 background on FERC. FERC is -- for those not familiar, FERC  
11 is an independent federal agency that is led by up to five  
12 Commissioners. We currently only have four. The  
13 Commissioners are appointed by the President. The  
14 Commission is supported by 12 offices, and a staff of  
15 somewhere around 1,500 people.

16           The office that we're all in is the Office of  
17 Energy Projects. I think there's somewhere in the  
18 neighborhood of 450 staff within the Office of Energy  
19 Projects, and that would include licensing staff, compliance  
20 staff, and our dam safety folks. And then there's also the  
21 staff that's associated with gas pipelines.

22           In addition to regulating interstate transmission  
23 and sale of electricity and natural gas, and interstate  
24 transportation of oil by pipeline, FERC also regulates and  
25 licenses non-federal hydropower projects, which is why we're

1 here. This responsibility lies within the Office of Energy  
2 Projects.

3 And specifically, FERC has jurisdiction over  
4 state, municipal or privately owned hydropower projects that  
5 are or would be located on a navigable waterway, occupy  
6 federal land, use surplus water from a federal dam, or  
7 affects interstate commerce by being connected to an  
8 interstate electricity grid.

9 So that kind of in a nutshell, explains why we're  
10 here, who we are, the Commission, and why the Commission who  
11 is involved in this process right now, and why we're here.  
12 Speaking to why we're here, okay. Scoping. The main reason  
13 we're here.

14 The whole purpose of scoping is to get out and we  
15 in the scoping document, we went through and identified  
16 issues that we think are important to this process based on  
17 what was in the application, the license application and  
18 other information in the Commission's record. The whole  
19 idea of being here now is to get out and talk with people  
20 that are affected by the project, both resource agencies,  
21 and other you know, non-governmental organizations and the  
22 general public, just to get feedback on what we identified  
23 as issues.

24 And so that's the main purpose of why we are  
25 here. Scoping is something that is required by the National

1 Environmental Policy Act. This is something that we can't  
2 really avoid, and so this is something that I've been doing  
3 for 32 years, and it's you know every project, issues can be  
4 similar, but every project is unique, so there's always  
5 something different about every project that you work on.

6 And so that in a nutshell is why we're here. The  
7 current license expires on November 30, 2024. The aim would  
8 be to have a licensing decision by that date. It doesn't  
9 always work, but that is the goal. Okay. The licensing  
10 process itself. I said I'm going to brief about this, and  
11 there's only I think one or two slides, one slide.

12 The prefiling phase includes all the steps  
13 necessary for the applicant to file a well-developed license  
14 application, and that includes conducting environmental  
15 studies. So Lakeland Generation as the current applicant,  
16 they have been through that process, the prefiling process.  
17 They have done the studies, and that had resulted in the  
18 filing of the license application, which is the end of the  
19 prefiling stage.

20 At that point it becomes what we affectionately  
21 call post-filing process. And that's where Commission  
22 staff, in this particular case, that's where Commission  
23 staff gets involved, and we do our scoping. We seek comment  
24 from folks. We want to do our environmental analysis, and  
25 then ultimately that will support what the licensing



1 decision will be.

2           So the post-filing itself includes the  
3 preparation of an environmental document, and ends with the  
4 issuance of a licensing decision, or license order, and then  
5 also the closure of any rehearing period. So what has  
6 happened to date? So on November 30, Lakeland Generation  
7 filed their application. In December of 2022, we noticed  
8 that in what we call a tendering notice.

9           In January of 2023 we sent Lakeland Generation a  
10 letter requesting deficiencies that we found in the  
11 application, plus some additional information that we  
12 thought was necessary. In June based on the filing of the  
13 deficiencies, in June of 2023 we accepted the application  
14 for processing. That just simply means that it met all the  
15 requirements of our regulations, so we're ready to process  
16 the application.

17           That does not mean that we have all the  
18 information that we need to have to do the environmental  
19 analysis. So there is -- we did issue in July a  
20 supplemental additional information request. We issued the  
21 scoping document in August, and we are here today for the  
22 scoping meetings and site visit, which will be tomorrow.

23           Where do we go to from here? The next steps. So  
24 once we complete this process, we'll review all the comments  
25 that we get on the scoping. Whether they be written,

1 whether they be oral comments presented here, you know,  
2 we'll go back and review the transcripts and make sure that  
3 we capture everything, and if there is a need again, we  
4 might issue an additional information request again.

5           If, based on scoping, we see that there's a need  
6 for more information. And then once we have all the  
7 information we need, we'll issue a -- well first we'll issue  
8 a notice establishing whether we're going to do an EA or an  
9 EIS. And then we'll issue the ready for environmental  
10 analysis notice.

11           And then from that point we work on preparing the  
12 NEPA, which is the National Environmental Policy Act  
13 document, which will either be the environmental assessment,  
14 or the environment impact statement. Once we issue the NEPA  
15 document we will -- this is another opportunity for folks to  
16 comment on what we have done, and what our recommendation in  
17 that document, and we will provide what is the staff  
18 recommendations for licensing, or relicensing the project.

19           And that's an opportunity for the public to  
20 actually comment on the analysis, and what our  
21 recommendations are. There is a process if we get  
22 recommendations from a federal or state resource agency, so  
23 that would be like the West Virginia DNR, that could be Fish  
24 and Wildlife Service, the U.S. Fish and Wildlife Service.  
25 Those would be the two primary agencies.

1           If we get something from them that they filed as  
2 what was fashioned as a Section 10-J recommendation, if for  
3 some reason we did not agree with that recommendation, we  
4 found it inconsistent with the Federal Power Act, we would  
5 go through a process with them to try to resolve that with  
6 the hope of resolving it.

7           If we don't, then we would actually resolve it in  
8 a licensing decision. Okay. Okay. The Commission  
9 decision, just to give you an idea, based on the complete  
10 record, including staff's environmental document and  
11 stakeholder comments, the Commission will issue its  
12 licensing decision, or license order.

13           This is where -- this is the point where we do  
14 our balancing. It's one of the unique things that the  
15 Commission is required to do. We are required to balance  
16 competing interests. Do I have a slide? Yeah. So  
17 balancing. There are two sections of the Federal Power Act.  
18 Section 4-E of the Federal Power Act, the Commission is  
19 required to give equal consideration to energy  
20 conservation, and environmental resources, as well as  
21 developmental values like power production.

22           Section 10-A of the Federal Power Act requires a  
23 project be in the judgment of the Commission, best adapted  
24 to a comprehensive plan for improving or developing a  
25 waterway for beneficial public purposes, including the

1 improvement and utilization of water power development,  
2 adequate protection mitigation, and enhancement of fish and  
3 wildlife, including related spawning grounds and habitat,  
4 and irrigation, flood control, water supply, recreation, and  
5 other purposes.

6           This essentially means that the Commission is in  
7 the position of having to carefully balance all of these  
8 competing interests, and make a call as to what they believe  
9 is in the public interest when it comes to requirements for  
10 a new license.

11           And I would say that your comments here, and  
12 going through this process at the other steps, whether it  
13 would be here at scoping, whether it would be on the  
14 environmental document, they're all important, and they  
15 will help not only Commission staff, but it will help the  
16 Commission in making that appropriate balancing call.

17           At this point I am going to ask Jody, Judy?  
18 Okay. Jody is going to do a presentation on the project.

19           MS. SMET: Okay. I'm going to go ahead and do  
20 some introductions while they're getting our slides pulled  
21 up. So my name is Jody Smet. I'm with Eagle Creek  
22 Renewable Energy and Lakeland Generation. My role with the  
23 company is Chief Compliance Officer, and I'm also a Senior  
24 Vice President of Regulatory Affairs.

25           Regulatory Affairs might not mean anything to you

1 guys, but that basically kind of oversees our Federal Energy  
2 Regulatory Commission, licensing and license compliance  
3 program. So I've got two team members from that reg affairs  
4 meeting with me, or reg affairs team with me today, Joyse  
5 and Ben Lens. Ben Lens is the licensing and compliance  
6 manager with us.

7           We're also joined by two of our operations staff,  
8 Dale Short is our division manager for the area, and then  
9 next to him is Bob Flickner, one of our regional managers  
10 here. Oh. I was wondering what was ringing while I was up  
11 here. All right. So are you going to be able to advance  
12 our slides, or would you like Joyse to? Okay.

13           If we go on to the next slide. I figure I'd  
14 start with who we are. There seems to be a lot of interest  
15 around here about who we are. So Eagle Creek is a privately  
16 owned entity, and is a wholly owned subsidiary of Ontario  
17 Power Generation, or OPG if you hear us refer to them.

18           So this is all about how the corporate government  
19 and structure, so OPG is what we like to call the parent  
20 company. Eagle Creek has many affiliates and subsidiaries  
21 across the United States, only in the United States. We  
22 have 85 hydro plants or stations in 18 different states,  
23 several here in West Virginia as a matter of fact.

24           And we generate clean, renewable, hydroelectric  
25 energy. Our corporate offices are in Bethesda, Maryland.

1 We also have offices in North Carolina and New Jersey and  
2 Wisconsin, and we do have a 24 hour a day, 7 day a week  
3 control center in Tennessee. Joyse and I are out of  
4 Virginia, Bob Flickner is here in Morgantown, Dale is in  
5 Pennsylvania, Ben's in Connecticut.

6 So, you know, Wakeland Generation has been the  
7 owner/operator of the Lakeland Project since 2015. So I  
8 just wanted to clarify that. So that's who we are. From  
9 FERC's perspective, Lakeland Generation is the federal  
10 licensee of the Lakeland Hydro Project, and we're the ones  
11 that have applied to relicense.

12 So just to get you acquainted with OPG, Eagle  
13 Creek, Lakeland Generation. Some of you that have been  
14 around also know a Cube Hydro because Cube Hydro is the one  
15 that bought it in 2015. OPG then bought Eagle Creek and  
16 Cube Hydro. So it gets confusing, but Lakeland Generation  
17 is an independent U.S. company, and the owner/operator of  
18 the project. Next slide.

19 So FERC asked us to give a project overview, and  
20 share our proposals for the project, so that's what we're  
21 here to do today. I believe Lakeland is our second project  
22 generating the most electricity with just over 51 megawatts  
23 capacity. Constructed almost 100 years ago, 1926, I think  
24 1925-26. We do have a current FERC license of the project  
25 that was issued in 1995, and as Allan said it expires in

1 2024.

2           We are located on the Cheat River in Monongahela  
3 County, West Virginia and Fayetteville, or Fayette County,  
4 Pennsylvania. All right. Next slide. So, I just wanted to  
5 highlight for you some of the project facilities that if you  
6 join us on our site tour tomorrow that you might be able to  
7 see.

8           In the upper right-hand corner you can see our  
9 dam on the right side, attached to the integrated powerhouse  
10 there. So it's 120 foot high, 1,000 foot long concrete  
11 gravity type dam. It has a spillway, 624 feet, and they're  
12 controlled by Tainter gates, you will be able to see those  
13 better if you join us there tomorrow.

14           We do have log boom and trash rakes on the upper  
15 side, kind of clearing all that trash and debris before the  
16 water comes into the powerhouse. The powerhouse has four  
17 generating units that help us make that 51 megawatts. We  
18 have eight gated reinforced concrete penstocks. Big tubes  
19 that bring water into the powerhouse.

20           To generate the electricity we use two  
21 transformers, and we have a transmission line that runs from  
22 the powerhouse to the first energy substation. Again,  
23 you'll be able to see the first energy substation tomorrow.  
24 I think most of you are familiar with the reservoir. Cheat  
25 Lake, approximately 13 miles long, and has surface areas

1 1,729 acres.

2           So that's the project in a nutshell. Those are  
3 the facilities that would be licensed under the new license.  
4 This is just an overview map, a unique perspective. So you  
5 see the dam and the powerhouse there. Below us is the tail  
6 water, above us is Cheat Lake. You see the substation owned  
7 by First Energy, so that transmission line goes from the  
8 powerhouse out to that substation.

9           And again tomorrow, for the site visit we're  
10 meeting downstream of the powerhouse at 9:30 a.m. Next  
11 slide. Just touch on existing project operations, which are  
12 also proposed project operations. We're not proposing any  
13 changes to how Lakeland Generation operates the project. So  
14 we are dispatchable peaking hydro facility. We do have some  
15 storage in Cheat Lake.

16           We have operating staff onsite Monday through  
17 Friday, that's Bob and his teams, about 6:00 a.m. to 4:00  
18 p.m. We do have that control center in Eastern Tennessee,  
19 24/7, so they can keep an eye on what's happening at the  
20 project, what units are on, what the energy demand is, that  
21 sort of thing. And they are overseeing that on nights and  
22 weekends when our onsite plant personnel are not there.

23           Again, I'm sure you guys are very familiar with  
24 how the lake is operated, so we have lake levels that vary  
25 by season. I'm not going to read through these, but you



1 know, try to keep it higher during the summer recreation  
2 months, higher in the spring for the spring spawn, lower  
3 over the winter months to capture spring rain.

4           We do have a minimum flow requirement from the  
5 project that's 212 cubic feet per second, or cfs, and then  
6 there's an absolute minimum of 100 cfs regardless of what's  
7 coming into the project, so it will never be less than that.  
8 High flow operations. There were some concerns about how we  
9 manage high flows. FERC requires us to have an emergency  
10 action plan, so that goes into detail under different  
11 operating scenarios when there might be high flow events at  
12 the project, how we communicate with our communities, and  
13 our emergency responders.

14           That emergency action plan, or EAP is tested  
15 regularly. Our project is always manned during high flow  
16 events, so that means Bob and his team are there onsite  
17 during the event. We watch our U.S. GS, our U.S. geological  
18 survey stream gauges, other rain gauges to kind of know  
19 what's going on in the watershed, and prepare accordingly.

20           And then again, we work through what's -- it's an  
21 emergency notification system called Code Red, our Tennessee  
22 control system could let folks know if we're at different  
23 levels of high flow there. We also have a public safety  
24 plan. So this is something FERC requires be updated at  
25 least every 10 years. We have an updated public safety plan

1 for the project.

2           This outlines every public safety measure that we  
3 have in place, all around the project, not just around the  
4 dam and powerhouse, but at our parks and other recreation  
5 areas. So it will talk about the lighting, the strobe  
6 lighting, the sirens, the signage, safety equipment, that  
7 sort of thing. So that's outlined in that plan.

8           All right. As we go into proposed project, I'm  
9 going to hand off to Joyse. Joyse and her team were  
10 instrumental in putting together our license application, so  
11 she's most familiar with what we've proposed in our  
12 application to FERC.

13           MS. FOSTER: So as Jody mentioned, we are not  
14 proposing any changes to the existing project operations.  
15 We continue operations dispatchable peaking hydro facility  
16 with some storage capability. There's no real proposed  
17 modification to the existing project facilities. We did  
18 propose, and I know that there's been a lot of interest in  
19 this from most people in the room to adjust the project  
20 boundary to include those lands only necessary for  
21 operation and maintenance of the project, and other project  
22 purposes.

23           So we're looking at removing -- what we've  
24 proposed, is removing approximately 307 non-contiguous acres  
25 of land that are not required for project purposes. The

1 lands would be retained by Lakeland Generation. There  
2 aren't any plans or proposals to sell or do anything with  
3 the project, or the plans that are proposed to be removed  
4 from the project boundary.

5 I just wanted to clarify two that the next slide  
6 please. A lot of our areas, so we've looked at obviously  
7 the Cheat Lake Park, we're planning to maintain and continue  
8 to keep that in the project boundary, propose that of  
9 course. Cheat Haven and the nature tower run, nature  
10 viewing areas proposed to stay in the project boundary.

11 Sunset Marina public boat ramp is proposed to  
12 remain in the project boundary and the tail water fishing  
13 access. I think in our original, final license application  
14 we had an error in one of our maps for the Sunset Marina of  
15 public boat ramps, so just to note that we corrected that in  
16 the additional information request responses that we filed  
17 with the Commission and FERC, so that's in the public  
18 record, and public docket.

19 And just to clarify, I know this map is kind of  
20 hard to tell, but we're really proposed to maintain and stay  
21 around the contour at the high water mark elevations, so for  
22 a lot of areas, so the contour a lot of projects are managed  
23 to see in the upper headwaters of the project, maintained on  
24 the contour.

25 So that's really what we've proposed. I mean we

1 saw it as more administrative, to clean up the project  
2 boundary. There's a lot of parcels remaining from the old  
3 west Penn Tower, Alleghany Tower, so we really proposed to  
4 try to clean up that project boundary to make it easier to  
5 maintain.

6 I would note that too all the shore line would be  
7 maintaining in the project boundary proposed. It might be  
8 hard to tell on this map, but that would still be within the  
9 project boundary in the proposed application.

10 MS. SMET: Yeah, so just to be clear, and I don't  
11 know if you can tell on the map, but there's a pretty black,  
12 solid line all around the project. That is the FERC  
13 boundary. And so you can see for most of the project it  
14 does follow the contour of the high water mark of the lake,  
15 and that's what necessary for project operations.

16 So again, it was meant to be an administrative  
17 change, really to clean up the boundary along the lake to  
18 just encompass what we need for project operations. If any  
19 of you have been in the field with Joyse and I, you know we  
20 can be standing out there and we're like are we inside the  
21 project, or outside?

22 Because if it's not at a contour, it's usually at  
23 a meets and bounds, and that's different, you know, in some  
24 of these areas. So.

25 MS. FOSTER: And that makes it really hard to

1 manage on our front when we can't tell where the project  
2 boundary is. So a lot of this is upland area. You'll see,  
3 if you're on the site tour, you know the hillsides above  
4 Cheat Lake Park, some of that hillside area above the trail  
5 there, so that's really the area proposed.

6 MS. SMET: I think it's worth saying again, just  
7 so we're clear. Cheat Lake Park does not come outside the  
8 project boundary. It remains inside the project boundary.  
9 That is like one of the most beautiful public access areas  
10 that we provide in this project, and so it's not going  
11 anywhere. You would see no change there.

12 Similarly, the Cheat Haven Nature Viewing area,  
13 that's at the end of that south trail, it's not going  
14 anywhere. It's staying within the project boundary. The  
15 Tower Run Nature Viewing area on the opposing side of the  
16 lake off Stewartstown Road I think it is.

17 MS. FOSTER: Yes.

18 MS. SMET: That's not going anywhere. Sunset  
19 Marina is still a project asset, a public launch, as is the  
20 tailwater fishing access, so none of those are coming out.

21 MS. FOSTER : Thank you. Next slide please. Some  
22 other proposed measures in our license application, that's  
23 reiterated in our additional information requests are also  
24 develop a shore line management plan. Oh, I'm sorry, I'm on  
25 the wrong slide.

1           Develop an operation plan. So the purpose of an  
2 operation compliance plan is really to document compliance  
3 with operational requirements, pretty typical at a FERC  
4 licensed project that provides a way of measuring and making  
5 sure we are meeting those requirements. And we're proposing  
6 that to be built of course, with the federal and state  
7 agencies.

8           And to note, state agencies here would include  
9 West Virginia and Pennsylvania too, because the project is  
10 in both states, so a small portion of Pennsylvania, but we  
11 would be consulting with both state agencies. Second,  
12 develop a water quality monitoring plan. There's an  
13 existing one that we currently have done water quality  
14 monitoring at.

15           The entire current license term, so this would be  
16 providing -- preparing an updated monitoring plan that would  
17 include tailwater reservoir, DO and water temperature  
18 throughout the season, April 1 through October 31st, that's  
19 existing season, so we continue doing that at those  
20 particular sites.

21           Develop a recreation management plan. Many of  
22 you know that we currently have a recreation management  
23 plan. It's always been updated every three years under the  
24 current license, so we'd be looking at updating, creating a  
25 new one, in consultation with state and federal agencies,

1 different entities.

2           These are some of the ones we've proposed, but  
3 that doesn't mean other stakeholders who are interested  
4 could be involved as well. So there would be a lot of  
5 opportunity to comment, and to be actively engaged in that.  
6 And the recreation management plan would cover operation and  
7 maintenance of existing recreation facilities.

8           I know there is a lot of interest. We've always  
9 had a commitment to the sheepskin trail. Looking at that  
10 access, and continuing to move that forward as well. And  
11 the existing facilities as well.

12           AUDIENCE MEMBER: Joyse, would you mind telling  
13 us again what's the timeframe for each of these? Thank you.

14           MS. FOSTER: Yes. I'd have to look at the  
15 numbers.

16           MS. SMET: I think all of these are within one  
17 year. It's only the historic properties and management  
18 plan.

19           MS. FOSTER: That's two.

20           MS. SMET: That's two. The S&P might be one or  
21 two, but I think it's one.

22           MS. FOSTER: I think the S&P is one.

23           MS. SMET: It will be one or two years within the  
24 date of the license order, the license issuance. So in the  
25 near future, yeah, so if they issued a new licensing next

1 November, it will mostly be due November 2025.

2 AUDIENCE MEMBER: Is there any way we could pump  
3 those up a couple of years, so that we could be doing some  
4 of the dates within the --

5 MS. SMET: Well The good news is we have most of  
6 this.

7 MS. FOSTER: Yes.

8 MS. SMET: We have a water quality management  
9 plan, so we will maintain compliance with that until we have  
10 a new one approved by FERC. The same goes with the  
11 recreation management plan. So all of these resources are  
12 being managed under FERC approved plans, until we have new  
13 FERC approved plans, that's how I would explain it.

14 MS. FOSTER: That's a good way.

15 MS. SMET: But we're always here to partner with  
16 you, so if there's something we want to do sooner, you know,  
17 we're all ears.

18 MS. FOSTER: Exactly.

19 AUDIENCE MEMBER: Good, thank you.

20 MS. SMET: It's go to be within our license, and  
21 we have to maintain compliance.

22 MS. FOSTER: Our budgeting purposes are a bad  
23 timeframe, but we could always look at exploring something  
24 sooner for sure. The next slide please. The next one is  
25 developing shore line management plan. That is probably the



1 most critical here at this project, in terms of compliance,  
2 and that's what's going to be the biggest lift for sure.

3           The shore line management plan is basically a  
4 plan that documents permitting procedures in shore line uses  
5 or activities. That would be anything within the project  
6 boundary, or anything that's on the shore line. So it could  
7 be private piers and docks, marinas, boat ramps, industrial  
8 uses.

9           We have a gas company that's looking at a gas  
10 line crossing, so and I would just note that we currently  
11 have, you know, in our FERC license, a standard land use  
12 article, so everything we do, any sort of activities that we  
13 were to allow have to be in compliance with that standard  
14 land use article.

15           And that has some specifications in the existing  
16 FERC license. The new FERC license, and other standard  
17 language, but we feel the need, as you all know probably,  
18 that we need to develop a shore line management plan because  
19 there's a lot of activity going on here, and that would  
20 provide a more robust procedures and scheduled and  
21 guidelines for permitting any sort of activities.

22           And of course, that would be developed in  
23 consultation with the agencies and other parties, the state  
24 historic preservation offices. I would note that we have  
25 started some preliminary work on the shore line management

1 plan. Those of you who were at the meeting probably in 2019  
2 I think it was, the joint agency meeting, we talked about --  
3 we had like Stragger do a little presentation because  
4 they've done an inventory.

5           They completed an inventory and GIS map for all  
6 of the piers that were along the lake shore line. So we  
7 started that. They also did some categorization of the  
8 shore line as well. So we started some preliminary work,  
9 more to do on that front for sure in the coming years, so a  
10 couple years. But that's a very critical piece of the  
11 puzzle here.

12           Developing a historic properties management plan,  
13 this is another one that we do not currently have here at  
14 the project. There's what's called a cultural resources  
15 management plan, which was really focused on when the park  
16 was developed. So this would outline and procedures to  
17 protect historic properties within the project boundary.

18           And it would include consultation with West  
19 Virginia and Pennsylvania historic preservation offices and  
20 tribes. Currently, you know, we are doing work on the  
21 powerhouse, or we've done trailers before. As you guys know  
22 that the south trail has been washed out.

23           We consult with the appropriate state historic  
24 preservation offices on that. And HPMP or what's the  
25 historic properties management plan, or HPMP, would outline

1 those procedures, and kind of see where to fly that to make  
2 sure it's clear. And any sort of activities that we've done  
3 without consultation, so right now we're careful. We  
4 consult on everything that could potentially affect the  
5 historic property. Next slide please.

6 This is just a slide to give you the Lakeland  
7 Generation contacts. Myself, I think a lot of you have my  
8 contact information, Jody Smet, of course. We do have a  
9 website Cheat Lake today, and I know Allan's talked about  
10 the FERC docket, but we wanted to put that there as well,  
11 with the project number, the P-2459, just as a reminder.

12 And that's where all the application materials  
13 are. Anything that FERC is going to be evaluating in the  
14 public record. So anything else?

15 MS. SMET: That's it.

16 MS. FOSTER: Thank you.

17 MS. SMET: Thank you.

18 MR. CREAMER: Okay. Thank you Jody and Joyse.  
19 Okay. So from here I'm going to run through some slides  
20 talking about the purpose of scoping and the issues that we  
21 have identified, and we're going to run through these fairly  
22 quickly. But certainly if you have any questions, you want  
23 me to stop, just let me know.

24 Okay. Back to the question of why we're here.  
25 We're here to source public input and comments on the

1 scoping document. The idea is to identify any environmental  
2 issues or concerns, potential effects of the project on  
3 environmental resources and the human environment. Any  
4 additional information that hasn't been considered that will  
5 help us understand the issues, so we may assess the  
6 potential effects of the projects.

7           So, you know, in looking at this slide, so we're  
8 talking about soliciting public input and comments, so  
9 that's what we're doing today. We're hoping to, if there's  
10 things that we go through in terms of our issues that we  
11 missed, we want to know what those area.

12           If there's any additional information that isn't  
13 already on the record that might be relevant to what we're  
14 doing in terms of doing an environmental assessment for the  
15 project, we certainly want to be aware of what that  
16 information is, so that we can -- it can be in the record,  
17 and we can use that going forward in our environmental  
18 review.

19           And so that could be existing information. It  
20 could be comprehensive plans, it could be you know,  
21 something from another study. It could be something from  
22 another environmental assessment. It could be anything like  
23 that. So scoping also involves identifying and receiving  
24 input on the resources that may be cumulatively affected,  
25 and you'll notice as we go through this in the next few

1 slides, there are issues that are identified here with an  
2 asterisk next to them, and those are ones that we have  
3 identified as something that we will be looking at from the  
4 cumulative affects perspective.

5           Again, if there's something that we missed, we  
6 want to know what your thoughts on it are. So for  
7 cumulatively affected resources, in other words, we're  
8 considering the affect of the project in conjunction with  
9 other activities in the basin. And that could be anything  
10 from like a water quality, like if we're talking about water  
11 quality, the project could have some affect on water  
12 quality, but if you put that in context of, you know, say  
13 you know, just for an example, acid mine drainage that might  
14 come into the river, or some other input coming into the  
15 river.

16           So there's a cumulative affect on water quality,  
17 and so those are the type of things that we would be looking  
18 at. We are looking for reasonable alternatives to the  
19 project in the applicant's proposed action. So if there is  
20 anything that you want to put out there now in terms of what  
21 you'd like to see, by all means you're free to comment on  
22 that.

23           And then finally, there could be resource issues  
24 that we've identified that you all don't think are  
25 important, or may require less analysis, or some may require

1 more. And so it's important for us to understand kind of  
2 when we're doing our environmental document what the real  
3 significant issues are, and there may be issues that aren't  
4 really relevant to the project that we identified.

5           And so we want to know that, and we wouldn't do  
6 any type of analysis on that in the environmental document.  
7 Next slide. So preliminary lists of resource issues. If  
8 you have been through the scoping document, there are copies  
9 back on the back table. Section 4.2 lists what we identify  
10 as the resource issues, and they are all set up according to  
11 resource, so you will see it starts with geology and soils.  
12 It goes to water resources, which is the water quality and  
13 aquatics, fish.

14           There's a section for recreation, there's a  
15 section for terrestrial, there's a section for T and E,  
16 threatened and endangered species. There's a section for  
17 cultural resources. I believe there's a section for  
18 environmental justice, and then I believe there's a section  
19 for developmental analysis. So we'll go through all of  
20 these real briefly, and I'll go through resource by  
21 resource, the way it would be structured in our  
22 environmental document.

23           And so as we go through these, there's a couple  
24 things to keep in mind. Be thinking about what you see up  
25 here if there's anything additional you want to tell us

1 about, we want to know about it. Any additional issues, or  
2 concerns. And if there's anything that you see there that  
3 you don't think should be there, we want to know that too.

4           Next slide. So we'll start with geology and  
5 soils. There are two bullets here, effects of continuing to  
6 operate the project in a peaking mode on shore line erosion  
7 and sedimentation in both Cheat Lake and downstream in the  
8 Cheat River. And then the second, affects of shore line  
9 development on erosion and sedimentation in Cheat Lake.  
10 Those are the two that we've identified to this point.

11           Next slide. Okay. This is the one that has the  
12 bulk of the issues, and this is the one that you'll find,  
13 you'll see some asterisks after some of these resources,  
14 these issues. Effects of continuing to operate the project  
15 in a peaking mode on the water quality and flow in the Cheat  
16 River, so it's this big overall kind of, you know, what's  
17 the peaking operation mean to the flow in the Cheat River  
18 and downstream.

19           Effects of continuing to operate the project in a  
20 peaking mode on water quality, primarily dissolved oxygen,  
21 water temperature and erosions by sedimentation in both  
22 Cheat Lake and the river downstream from the dam.

23           Effects of continuing to operate the project in a  
24 peaking mode on literal zone habitat in Cheat Lake, and  
25 aquatic habitat for fish and macroinvertebrates in Cheat

1 Lake and downstream of Cheat Lake. The effects of  
2 continuing currently licensed lake levels, elevations on  
3 fish and aquatic habitat in Cheat Lake, and the need for  
4 changes to those lake level parts.

5           Next slide. The effects of continuing to operate  
6 the project on movement of eels and other fish species in  
7 Cheat River. The effects of continuing to operate the  
8 project on fish impingement, entrainment and survival at the  
9 project. The effects of continuing to operate the project  
10 on aquatic invasive species within the Lakeland Project  
11 boundary, including Cheat Lake and the river downstream from  
12 Lakeland Dam.

13           And we qualified that by saying within about six  
14 to 700 feet of the dam because I think that's primarily  
15 where the boundary stops, and we certainly if I'm wrong,  
16 please correct me. Effects of proposed land removals on the  
17 water quality in Cheat Lake. This is one, it shows up here.  
18 You will not see this in the scoping document, it was  
19 omitted from this particular section, but it does have  
20 relevance to localized water quality -- potential water  
21 quality impacts to areas that might be removed.

22           Next slide. Okay. Terrestrial resources, I  
23 think there are five bullets here. Effects of peaking  
24 operation on shore line, riparian wetland and littoral  
25 vegetation community types. Effects of project operation



1 and maintenance on maintenance activities, such as road and  
2 facility maintenance, and project related recreation on the  
3 vegetation and wildlife habitat.

4           Effects of project operation and maintenance on  
5 avian species, including electrocution inclusion with  
6 transmission facilities. We have effects of project  
7 operation and maintenance activities and project related  
8 recreation on non-native, invasive botanical and wildlife  
9 species.

10           And then finally, the effects of proposed land  
11 removals on the terrestrial resources, including vegetation,  
12 wildlife and their habitats. Next slide. Threatened and  
13 endangered species, kind of there are five here that are  
14 listed in the current report, Fish and Wildlife Service  
15 report, so we'll look at the effects of ongoing project  
16 operation, maintenance and related project related  
17 recreation on this federally proposed listed species.

18           And then again, the proposed removal of land from  
19 the project boundary. We'll look at the effects of those  
20 potential removals on any threatened and endangered species.  
21 As far as the recreation land use and aesthetics. We'll  
22 look at the continuing to operate and maintain the project  
23 on project recreation facilities and their use.

24           We're going to look at the adequacy of the  
25 existing project recreation facilities to meet existing and

1 future recreational demand and capacity requirements. We'll  
2 look at the adequacy of measures contained in Lakeland  
3 Generation's current recreation management plan, and  
4 consider the need for changes to that proposed plan -- to  
5 the proposed plan.

6           We will look at the adequacy of existing shore  
7 line protection measures to control non-project uses of  
8 project lands, such as the boat docks, piers, and other  
9 types of facilities. And then finally the effects of the  
10 proposed removal of the land on project, you know, the  
11 removal of land from the project boundary on the  
12 recreational opportunities at the project.

13           As far as the cultural resources, we'll look at  
14 the effects of continuing to operate and maintain the  
15 project on properties that are included in, or eligible for  
16 inclusion in the National Register of Historic Places. And  
17 again, the effects of the proposed removal of land from the  
18 boundary on archeological sites and cultural resources of  
19 the project.

20           Environmental justice, this is a relatively new  
21 area for the Commission. We've only been dealing with this  
22 for the last couple of years, so we'll look at the effects  
23 of continuing project operation and maintenance on minority  
24 and low-income communities in the project affected area,  
25 which could be potentially subject to disproportionately

1 high, adverse human health or environmental impacts.

2           And then finally, on the developmental side,  
3 we'll look at the effects of the proposed or recommended  
4 environmental measures on the project's generation and  
5 economics. I know that was a lot of information in a very  
6 short time, so certainly if you have any questions about any  
7 of that, you know, we're here to try to answer those  
8 questions.

9           As far as -- we're going to shift gears a little  
10 bit now, and transition. So submitting comments. You can  
11 either comment here during the scoping meeting, as an oral  
12 presentation. If you would prefer not to do that, you can  
13 actually -- you can also submit comments in writing.

14           Written comments can either be provided to the  
15 court reporter today, or can be mailed to FERC, or filed  
16 electronically through the website on the FERC online page.  
17 Instructions for mailing comments and filing comments  
18 electronically can be found in the scoping document one, or  
19 in the scoping notice.

20           Please remember to address your comments to the  
21 Secretary of the Commission, not to Commission staff.  
22 Joselyn?

23           AUDIENCE MEMBER: Earlier in the slide -- (off  
24 mic).

25           MR. CREAMER: I'm sorry, again?

1           AUDIENCE MEMBER: Oh. Sorry. Earlier in the  
2 presentation you said that October 25th was the deadline for  
3 comments being due. Is it the 25th or the 15th?

4           MR. CREAMER: I think it's the 15th. Did we say  
5 the 25th?

6           AUDIENCE MEMBER: Yeah.

7           MR. CREAMER: I believe it should be the 15th, so  
8 if it's the 25th I need to correct that. Okay. Filing  
9 comments electronically is really the fastest and easiest  
10 way to file. We have IT staff who is available to help in  
11 that process, if you have any problems going through and  
12 navigating the website.

13           Their contact info is on the slide here, and you  
14 can also find it in the scoping document in the scoping  
15 notice. The other thing that we would ask is please  
16 remember to include the docket number, which is P-2459.  
17 What's that?

18           AUDIENCE MEMBER: It's the 25th of October, 30  
19 days from today.

20           MR. CREAMER: That should be -- I think that's it  
21 should be 30 days from today, so that's why I said I think  
22 it's -- okay, I will figure this out, and before this is  
23 over, let everybody know what the exact date is for  
24 providing comments.

25           AUDIENCE MEMBER: Excuse me, page 20 of the

1 official document, it says on page 20 it says October 25.

2 MR. CREAMER: Okay. Then it's October 25. For  
3 some odd reason when I put these slides together I put in  
4 the 15th, so it would be October 25th is the deadline for  
5 filing comments on the scoping document. Correct that  
6 before the next meeting. Okay. Going back, please remember  
7 to include the Docket Number, which is P-2459-279, which is  
8 the sub-docket.

9 That will ensure that your comments are put into  
10 the relicensing sub-docket, and it won't go somewhere else.  
11 Again, October 25th, so ignore any date that was up there.  
12 Next slide. How to stay informed and participate in the  
13 process. If you're not already, I would highly recommend  
14 e-subscribing. This is another online feature that's on the  
15 Commission's website.

16 And what this will do is that if you e-subscribe,  
17 anything that's filed with the Commission, or the Commission  
18 issues, you will get notification via email of, and you can  
19 click whatever that link is, and it will take you directly  
20 to the document on the e-library system.

21 The slide here mentions the e-library. All  
22 public documents for the project are archived there. So if  
23 you want to see what the, you know, from the time the  
24 application was filed, what all has been issued and filed in  
25 the relicensing, you can actually do a query and get all

1 that information, and find whatever you might be looking  
2 for.

3           Again, the Docket number that you would be  
4 looking for is 2459-279. The mailing list, the Commission  
5 has an official mailing list. If you -- you will find that  
6 at the end of the scoping document. If your name is not  
7 already on it, and you want to be on it, then please let us  
8 know. There's information in the scoping document for how  
9 to request.

10           You can just send -- IT support I believe, you  
11 send a request to them, and they will add you to a mailing  
12 list for the project. FERC online support. And then  
13 finally, the Commission recently established a new office,  
14 and that office is the Office of Public Participation, so  
15 they -- what they primarily do, their mission to empower,  
16 promote and support public voices at the Federal Energy  
17 Regulatory Commission.

18           So if you feel like you are not being heard, and  
19 you want to reach out to someone, you can reach out to the  
20 Office of Public Participation. Certainly, I can give you  
21 information about how to communicate with them.

22 Unfortunately, I don't have any cards from them that I can  
23 pass around, but you can certainly contact them via email,  
24 and I can get you that information.

25           Next slide. This is -- and for those of you

1 towards the back, you might not be able to see this, but  
2 this is what basically when you go to the FERC online  
3 website, basically what it looks like. And you can -- there  
4 are a number of options, you just find the option you want,  
5 and you click on that link, and it will take you to whatever  
6 you're looking for, whether you want to e-file,  
7 e-subscribe, or whatnot. Next slide.

8           That actually completes what I had to say.  
9 Before we go any further I'm going to ask if there's any  
10 questions or comments? Yes?

11           AUDIENCE MEMBER: How does one become an  
12 intervener?

13           MR. CREAMER: Do you want to stand up and state  
14 your name and. Yeah, no, we're going to have to at this  
15 point so the court reporter can hear you, you'll have to use  
16 this microphone.

17           MR. MULKEEN: My question is how does one become  
18 an intervenor.

19           MR. CREAMER: I can't hear you. Okay. So I've  
20 gotten this question before. You can intervene at any time,  
21 however, the official timeframe -- well, when we accept a  
22 license application, when we issue that notice, that notice  
23 establishes a 60 day window for filing a request for  
24 intervention, a motion to intervene, or a request for  
25 intervention.

1           That window, when we issue that notice, but I  
2 believe that window has closed. That does not mean you  
3 cannot request intervention now. It will just be considered  
4 an intervention out of time. And as long as nobody opposes  
5 it, it's typically granted according to Commission  
6 regulation. That answers your question?

7           MR. MULKEEN: Yeah. I have a follow-up question.  
8 These plans that Eagle Creek has a year to produce the water  
9 quality operations, recreation, shore line and historic  
10 plan, is it FERC's process is it usually not the case that  
11 those are submitted in the NEPA document, or are they  
12 usually, typically provided after approval?

13           MR. CREAMER: That is a very good question. That  
14 is actually something that it varies from project to  
15 project. We do like to see draft plans with the license  
16 application. You know, this is one that for whatever reason  
17 it was prepared through a traditional licensing process, and  
18 so Commission staff wasn't involved upfront during the  
19 prefiling.

20           And so, this is one that we're in a position  
21 where the proposal is to develop these plans post-filing,  
22 and so we'll address that issue from a standpoint of the  
23 timing of the development in our environmental document. It  
24 could very well be that when we looked at this we might say  
25 well it may not take -- we don't think it will take a year



1 to do this. We might require at least six months, or you  
2 know, as far as the staff recommendation.

3 Now the Commission, they could say you know, we  
4 don't agree, just give them the year. I can't speak for the  
5 Commission, so I don't know what they'll do, but you know,  
6 the timing of these things will be part of what we look at  
7 in our environmental review.

8 MR. MULKEEN: Okay. Any other comments now, or  
9 is it just questions for this part?

10 MR. CREAMER: It's just questions for this part.  
11 Okay. Before I launch into -- we have six people, as far as  
12 I have, there's been nobody else that has requested to  
13 provide public comment. Is there anything, any other  
14 questions or comments before we open the floor for public  
15 comment? Okay. So there are six people. I'm not sure what  
16 time it is, but I was thinking that based on that and the  
17 time we have, five minutes, and then I'm hoping there will  
18 be time at the end where there's, you know, questions and  
19 answer period again.

20 And if there's no need for a question or answer,  
21 if you want to expound upon your comments, you're welcome to  
22 do that, but let's start with five minutes, and just see  
23 where we go from that. So the first person I have on my  
24 list would be Ann Chester. Speak into the microphone.

25 UNIDENTIFIED SPEAKER: Face the audience. It

1 would be very nice for the audience to see who's speaking.

2 MS. CHESTER: Can you hear me now?

3 MR. CREAMER: Yes.

4 MS. CHESTER: Okay. I'm Ann Chester. And I'm  
5 here representing the Cheat Lake Environment and Recreation  
6 Association. We call Cheat Lake, so that every time Lake  
7 Lynn is not used, and Cheat Lake is, we're talking about the  
8 same thing. Cheat Lake Environment and Recreation  
9 Association was formed over 30 years ago to participate in  
10 the previous relicensing, and there's some of us in this  
11 audience that I'm looking at, that we've been here 30  
12 years, we're again

13 This is really important work, and CLEAR is part  
14 of the reason that we have the Cheat Lake Park and Trail.  
15 We've worked cooperatively over the years, and with many  
16 organizations, including the Sierra Club, the Lake River  
17 Daughters, the Green Space Coalition, the Upper River  
18 Association, the Coopers Rock Foundation and others.

19 And we want to recognize the important work of  
20 the West Virginia Department of Environmental Protection,  
21 and the West Virginia Division of Natural Resources in  
22 regard to water quality, the enforcement of fishing and  
23 boating regulations, and all of that has been notable.

24 We want to give a special shoutout to the River  
25 Trail Association, who is promoting an interconnection of

1 the Cheat Lake trail with the interstate trail system that  
2 goes from Parkersburg to Pittsburgh, and from Pittsburgh all  
3 the way to D.C. So we are in the heart of a lot of  
4 activity.

5           In this last 30 years the dam has been under  
6 multiple owners, each one taking a little less care with  
7 their obligation, and the promise to provide recreation and  
8 be responsible stewards of the project lands. These lands  
9 were secured by eminent domain, with the promise of  
10 responsible stewardship and recreational opportunities for  
11 the general public.

12           This has started to go downhill, especially in  
13 the last 10 years. And we're not saying that the plan isn't  
14 there. We're not saying that the recreational plan and the  
15 re-licensure isn't there. What's not there is a way to  
16 translate what's written on paper into actually making it  
17 happen on the ground.

18           And I wanted to just talk about what some of  
19 these issues are. They are directly in, and I want to focus  
20 first on recreation. And that is the millstone swimming  
21 area that was created with the help of CLEAR is often found  
22 in disrepair. There is accumulation of detritus logs, the  
23 sand gets washed away, and it's unusable when it should be  
24 useable.

25           And we need a way to get that back into

1 compliance early. We need help enforcing the obligation to  
2 repair boat docks that are in disrepair. Bathrooms that are  
3 not functional. A fishing station that is not operational,  
4 and all the other places where wear and tear is still a  
5 problem.

6           We recommend expanding the swimming beach to the  
7 days boat docks to accommodate the crowd on hot weekends.  
8 We recommend a small dog beach that is separate from the  
9 swimming beach, so that there's not an intermingling of  
10 conflicting uses. We recommend that we put three outdoor  
11 showers where the fishing station that doesn't work has  
12 been, or something like that. And that the restroom  
13 facilities are working.

14           And the days boat docks need to be repaired or  
15 replaced. We're asking for a recreation staff person to be  
16 on location during the primary boating and swimming season.  
17 It's not working now where the power company tries to manage  
18 these from a distance, but it just doesn't work.

19           We believe the upgrade and maintenance activities  
20 for the park should be explicit and prompt. There are a  
21 number of other issues that still are out there, like  
22 parking access in other areas along the lake. And there's  
23 also boat access issues during the off recreation season.

24           And a lot of this is also intertwined with  
25 sedimentation, and the need for dredging on a much more

1 frequent basis than every 10 years. So, that's a nutshell  
2 of the recreation problems. Another big area that needs  
3 help is in mitigating erosion. CLEAR believes that the  
4 opportunities and the needs for recreation and environment  
5 are greater now than they were in the past, and that this is  
6 all coming to a head with the climate issues that are  
7 coming.

8           And we have abrupt rainstorms more likely now  
9 than ever, so that flooding is a big problem. So erosion,  
10 there are three main causes. The dam regulated water level  
11 is too high during heavy use times when boats create  
12 substantial wave action. That's one. Number two, is  
13 adjacent developments with uncontrolled runoff causing rush  
14 outs on project lands.

15           The third is major storms. These cause  
16 sedimentation, wash out and debris redistribution. What we  
17 can control? The water level. During high boater use we  
18 can have it lower than it is now, and prevent a lot of that  
19 erosion. The water level on the weekends, and the wave  
20 action has a substantial negative impact that causes serious  
21 landslides and property erosion.

22           It causes debris to be dislodged, and  
23 redistributed in potentially dangerous ways. It needs to be  
24 cleaned up immediately at the swimming beach when it  
25 happens. It causes the beach sand to be carried away. It

1 causes a large muddy interface between the shore and the  
2 deep water, where swimming and recreation occurs.

3 CLEAR recommends that the 870 foot level for the  
4 high level is too high for busy weekends. Water levels  
5 should be substantially lower. The next thing is the  
6 development can be partially controlled by this project as  
7 well, by retaining the 300 plus acres within the project  
8 boundaries.

9 CLEAR insists that these 300 plus acres remains  
10 in the project boundaries, and this is one of the reasons.  
11 What we can't control, but what we can mitigate is storm  
12 debris and sedimentation. And we need to work on that.  
13 Safety is an issue when things like trees come down the  
14 river into the lake and disrupt boating and recreation.

15 The other thing we can control is the 300 plus  
16 acres. There is a proposal to remove over 300 acres from  
17 the Lakeland Project, and CLEAR insists on the retention of  
18 this within the boundaries for these reasons. It provides a  
19 natural setting for recreation to take place. It's  
20 beautiful. It protects the wildlife, and offers green  
21 quarters for mitigation and enhances the diversity of flora  
22 and fauna.

23 It provides a way for future recreation to be  
24 expanded when needed, and we can never tell when that's  
25 going to happen. It offers protection from further

1 encroachment of the type of development that will reduce the  
2 recreational value of the lake through erosion and  
3 sedimentation, and we think that to remove that from the  
4 project would mean it wouldn't fall under FERC regulations,  
5 and we would have less ability to control what happens to  
6 our community as a result.

7           In summary, the new license needs to ensure that  
8 the owners meets the mission to provide responsible  
9 stewardship of the lands and recreational opportunities for  
10 the general public, while generating power into the future.  
11 It needs to reinforce the words of that formal dedication  
12 ceremony in 1927. The dam and the lake were dedicated to  
13 recreation, and the providing of an essential service.

14           This is submitted by CLEAR and represented by  
15 Duane Nichols, who's President, Mike Strager, whose name was  
16 mentioned earlier as Vice President, myself as Secretary,  
17 and Donna Weems who I would like to invite up to say a few  
18 words if possible. Any questions? This is the oddest thing  
19 talking this way. Thank you.

20           MS. WEEMS: My name is Donna Weems,  
21 W-E-E-M-S. I'm a member of Cheat Lake Recreation  
22 Environment Association here. And I just would like to  
23 emphasize what's been said about the importance of the green  
24 space around the lake. We all can see the effects of  
25 overdevelopment, clearing the land, the sedimentation that

1 happens in the lake.

2           The lake is filling up with sediment, and that is  
3 bad for recreation, it's bad for the wildlife, and it's bad  
4 for the dam operation. But I'd like to talk a little bit  
5 about the interface between aquatic and the terrestrial.  
6 And that interface is the most important thing for keeping  
7 high-quality lake, and a high-quality recreational area,  
8 high-quality environment for the wonderful animals that we  
9 have.

10           People come to the lake. They want to see great  
11 blue herons, osprey, kingfishers, fish, clean water, and  
12 it's this interface which protects and preserves that. So  
13 the aquatic animals need a place where they can if they do  
14 come on land, they have a place to do that. Land animals  
15 need a place to come to the lake, and these green space  
16 areas with no development, provide that, and it also  
17 provides the buffer against erosion.

18           So, I just wanted to emphasize that point, the  
19 importance of that green space around our lake, and to the  
20 project itself. Thank you.

21           MR. CREAMER: Thank you. Mr. Nichols, do you  
22 want to go next?

23           MR. NICHOLS: Yes. Thank you very much. My name  
24 is Duane Nichols, and I'm with the Cheat Lake Environment  
25 and Recreation Association now since the year 2000. I was



1 actually here when the dedication ceremony took place for  
2 the Cheat Lake Park and Trail. It was a wonderful, sunny  
3 day right on the lake.

4 CLEAR, as many others, have been challenged by  
5 the volume of the information that's on the internet, and  
6 the application itself is thousands of pages long. So, to  
7 understand that, and to properly reply to it is quite a  
8 challenge. So, I'm hopeful that during this next few months  
9 there can be a way to address these individual subjects that  
10 we've talked about here today as being delayed until after  
11 the license.

12 And then perhaps, another year or two. Our  
13 position is that the process actually began on October 25 to  
14 develop a shore line management plan, to develop a new  
15 recreation plan because we pretty much have the information.  
16 We have the experience because we've been here for 30 years,  
17 my goodness.

18 So the time is now. If we started that on  
19 October 25 we would have six months until the recreation  
20 season starts next year. I'm in favor of that, and I'm  
21 going to work towards it personally if at all possible.  
22 Take for example the fact that the last license was 30 years  
23 long. Take for example that the nominal recommendation that  
24 was from FERC is that the next license be 40 years.

25 Well I don't have that much time to give, I'll

1 tell you. But I'm in favor of cutting that back to 20 or  
2 25. I mean that's a long time, but what's more important is  
3 to get these other reports done. The five or six reports  
4 that were promised after the relicensing. Let's do those  
5 now, and get them out of the way so that we can enjoy the  
6 lake, so we can have order to the lake, so we can preserve  
7 the lake.

8           That's what I'm offering today, and I'm going to  
9 stop now because of the time. Thanks very much for this  
10 opportunity to speak.

11           MR. CREAMER: Thank you Mr. Nichols. Owen  
12 Mulkeen.

13           MR. MULKEEN: Hello. My name is Owen Mulkeen.  
14 I'm here on behalf of Friends of the Cheat, I'm the  
15 Associate Director there. I've been working with Friends of  
16 the Cheat for the last 10 years. I've also been working  
17 with Eagle Creek on some projects. We were part of the  
18 creole survey that they did in the lake this year.

19           They've also been a sponsor of some of our  
20 events, so I'll let you guys know. Some of my comments are  
21 a little bit more specific. Regarding the water quality and  
22 aquatic species, regarding to the dissolved oxygen during  
23 low flow. Again, this all kind of relates to the operations  
24 plan, and the operations plan not being available as part of  
25 the NEPA process.

1           So FOC requests that a draft operations plan be  
2 included in the NEPA review process. Same goes for the  
3 water quality monitoring plan. FOC requests that pH be  
4 included in the plan, along with the conductivity and E.  
5 coli.

6           And that we also request that the water quality  
7 perimeter and their monitoring should take place year round,  
8 not just from April 1st to October. And again, we are  
9 requesting that the water quality monitoring plan be  
10 included in the NEPA process. As a result of our creole  
11 survey, some of the results. We produced four angler  
12 surveys of either caught or observed American eel below the  
13 tailwater fishing pier.

14           I had a question as if there was an EDNA survey  
15 of the tailwater race for American eel. Question? Okay.  
16 Yes I guess we request that DNA, or that result be included  
17 in the NEPA documents, and a kind of a management plan if  
18 present. Calling to the recreation resources, again we're  
19 requesting a draft recreation plan to be developed as a  
20 component of the NEPA process.

21           And also, we're requesting a draft shore line  
22 management plan to be developed as an additional component  
23 of the NEPA process. That shore line management plan should  
24 expand on the list of allowed activities and facilities, and  
25 the framework for granting permissions within the project

1 boundary.

2           And I know this is a hot topic, but the removal  
3 of the 310 acres for the project. FOC requests  
4 justification for removal of these lands, and if they no  
5 longer serve a purpose, indicate what their previous purpose  
6 was, and why they are no longer necessary to fulfill that  
7 purpose.

8           There was a reference to those -- that property  
9 made 30 years ago, the final EA dated December 1994, "The  
10 proposed trail system and wildlife habitat and nature  
11 viewing areas constitute a reasonably coordinated plan that  
12 would help to preserve wildlife habitat, and provide for the  
13 enjoyment of the public."

14           Additionally, and lastly, we would request edits  
15 to the temporal scope. We request that the communicative  
16 effects analysis for the next 30 to 50 years in the future  
17 includes a discussion analysis on climate change in West  
18 Virginia, flood resiliency in the Cheat River, and habitat  
19 effusa for rare and endangered threatened species.

20           Resources include the mountain hydrology lab, the  
21 NASA developed team, and the Nature Conservancy of West  
22 Virginia are resources for all those topics. And lastly, we  
23 requested the geographic scope of the project extend beyond  
24 the Albright Power Station, that is as it is currently  
25 considered for removal, and has over 4 million dollars in

1 funding. That's it, thank you.

2 MR. CREAMER: Thank you. Michael Attfield.

3 MR. ATTFIELD: Thank you. Just a few minutes for  
4 me. My voice isn't too good. I came here in 77 from Europe  
5 from Britian, and when we came here there was a nice beach  
6 on Cheat Lake that the state ran, and then they took it  
7 away, which was a great tragedy.

8 Then a few decades later they opened up the  
9 trails, and since then they've been a great thing, a great  
10 asset for Morgantown, and a wonderful thing to have. And I  
11 am, I support what's been said before, but basically I'm  
12 concerned that taking this land away from the control here,  
13 although the company says they're going to keep it all  
14 going, that means they don't have to, and they can sell the  
15 whole lot, and it would be lost to us. It would be a  
16 tremendous tragedy. Thank you.

17 MR. CREAMER: Thank you. The last person we have  
18 that indicated they wanted to speak was Ella Belling.

19 MS. BELLING: Hey. Hopefully everybody can hear  
20 me. My name is Ella Belling. I'm the Executive Director of  
21 the Mon River Trails Conservancy. I certainly agree and  
22 support the comments that have been provided prior to my  
23 talk. And I appreciate the opportunity to give comment.

24 The Mon River Trails Conservancy is a nonprofit  
25 organization, and we manage a rail trail network of 48 miles

1 that covers three countries, and connects our primary trail,  
2 which is the Mon River Trail, which connects to the  
3 Sheepskin Trail, and has been mentioned previously as there  
4 being an opportunity for us to connect the Sheepskin Trail  
5 to the Cheat Lake Trail, making one cohesive trail network  
6 that would span over 60 miles.

7 But it's part of a much larger plan for over  
8 1,500 miles of connected rail trails across four states, and  
9 that's part of the Industrial Heartland Trails Coalition  
10 work, which Mon River Trails Conservancy is a partner and  
11 part of, you know, as I said, a much larger vision.

12 The opportunity for us to connect into the Cheat  
13 Lake Trail, it's a very small scope. This connection would  
14 be less than a mile, but would be almost primarily entirely  
15 on the property owned by Lakeland Generation. And I've  
16 provided a handout of the map with a proposed connection,  
17 and our recommended route, which is the red line connection,  
18 which is the only option that makes for a family friendly  
19 trail that would be supported for all ages and skill levels.

20 This property would go across Nilan Road, and  
21 would potentially be part of the 300 acres that we're  
22 talking about. That I don't know that for certain, but it's  
23 certainly outside of what would probably be considered the  
24 project boundary. These trail systems are used by all types  
25 of users, and they provide exercise, recreation and

1 alternative transportation routes.

2           It's part of your social justice effort, as far  
3 as also part of the environmental kind of corridor  
4 protection for wildlife, and would also certainly serve  
5 under the recreation plan. And this tourism and  
6 transportation trail plan I want to call it, certainly  
7 gives benefits to Morgantown, Fairmont, Union Town in  
8 Pennsylvania, as well as a lot of the rural communities that  
9 connect along Nilan Road and Point Mary of Pennsylvania.

10           I think you'll hear from others from the  
11 Sheepskin Trail maybe later tonight, that want to see these  
12 trail connections happen. I just want to appreciate that  
13 Eagle Creek did include that access as part of their  
14 presentation. We certainly have been talking about these  
15 trail connections for a very long time, and I want to just  
16 kind of also speak to the fact that the timing is important  
17 for us to be moving in this progressive manner now, when  
18 there's opportunities for federal funding, for regional  
19 planning.

20           These are part of the country recreation and  
21 comprehensive plans for both Pennsylvania and West Virginia,  
22 and we would like to see these actions start to take place,  
23 so that we can look at making this trail a reality, and so  
24 when we're looking at requirements that are far off, or  
25 planning documents that happen much later in the timeline,

1 it's hard to then show that we have a united forest, and a  
2 united voice to make these projects happen.

3 I'm not sure if I have much else to add, other  
4 than I certainly support the idea that we keep all of the  
5 300 acres in the project boundary. I agree that it may be  
6 that there's good intentions from Eagle Creek to make sure  
7 it's part of their continued properties, but we witnessed  
8 this land change hands multiple times from different energy  
9 companies, and we want to make sure that this stays in the  
10 public good. Thank you.

11 MR. CREAMER: That was the last person who had  
12 signed up to speak, so at this point there's 20 minutes left  
13 in the meeting until four o'clock, which we can open up to  
14 question and answer. Or if somebody wants to embellish upon  
15 comments that they had made that, you know, for some odd  
16 reason they didn't feel like they could make them all, feel  
17 free to come back up.

18 So, is there anything, any other comments that  
19 anybody wants to make? Well all right. I guess seeing  
20 none, if there's nothing else that anybody has, my contact  
21 information is on the screen. I also have cards back on the  
22 table. I will reiterate if anybody has any comments or  
23 questions about the process moving forward, please do not  
24 hesitate to reach out. I will do my best to answer anything  
25 that you have as far as questions. So if there's nothing



1 else, I will go ahead and close this meeting, and look  
2 forward to seeing anybody.

3 I assume some of you will be here later this  
4 evening, so I'll be back.

5 (Whereupon the scoping meeting concluded at 3:44  
6 p.m.)

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## 1 CERTIFICATE OF OFFICIAL REPORTER

2

3 This is to certify that the attached proceeding

4 before the FEDERAL ENERGY REGULATORY COMMISSION in the

5 Matter of:

6 Name of Proceeding:

7 Lake Lynn Hydroelectric Project

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14 Project No.: P-2459-279

15 Place: Morgantown, WV

16 Date: Monday, September 25, 2023

17 were held as herein appears, and that this is the original

18 transcript thereof for the file of the Federal Energy

19 Regulatory Commission, and is a full correct transcription

20 of the proceedings.

21

22

23 Larry Flowers

24 Official Reporter