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BEFORE THE

FEDERAL ENERGY REGULATORY COMMISSION

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IN THE MATTER OF: : Docket Numbers
RIO HYDROELECTRIC PROJECT, MONAGAUP : P-9690-112
FALLS HYDROELECTRIC PROJECT, AND : P-10481-067 AND
SWINGING BRIDGE HYDROELECTRIC : P-10482-117
PROJECT :

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Monticello Firehouse
23 Richardson Avenue
Monticello, New York 12701

Thursday, June 22, 2017

The above-entitled matter came on for a scoping
meeting, pursuant to notice, convened at 7:00 p.m., before a
Staff Panel:

- Quinn Emmering, moderator, Project Manager, FERC
- Kenneth Hogan, Fishery Biologist, FERC
- Kyle Olcott, Outdoor Recreational Planner, FERC

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

2 (07:00 p.m.)

3 MR. EMMERING: All right, folks, I think we're
4 going to get started here soon, so let's get to our seats
5 and we'll get the meeting started.

6 All right. I'd like to welcome everybody to the
7 public scoping meeting for the Swinging Bridge, Mongaup
8 Falls and Rio Hydroelectric Projects. I am Quinn Emmering.
9 I'm the project coordinator from Washington, D.C., the
10 Federal Energy Regulatory Commission, also known as FERC.

11 I'm a wildlife biologist by background and
12 education. I'm also the project coordinator and I also
13 handle the threatened and endangered species issues that may
14 arise. I'm going to let our other FERC staff introduce
15 themselves. We have three others here today.

16 MR. HOGAN: I'm Ken Hogan. I'm a fishery
17 biologist by training. I've been with FERC for seventeen
18 years.

19 MR. WINCHELL: I'm Frank Winchell. I'm an
20 archeologist and I'll be handling the cultural resources for
21 this project.

22 MR. OLCOTT: I'm Kyle Olcott. I'm an outdoor
23 recreation planner, and I'll be handling recreation land use
24 and aesthetics.

25 MR. EMMERING: And our hydropower company is

1 Eagle Creek, and I'll let them introduce themselves as well
2 and your representatives.

3 MR. GATES: I'm Bob Gates, Executive
4 Vice-President, Operations for Eagle Creek.

5 MR. SCARZELLO: Mike Scarzello, Regulatory
6 Director for Eagle Creek.

7 MR. GIBSON: Jim Gibson with HDR. We're a
8 consulting firm helping Eagle Creek with relicensing.

9 MR. EMMERING: All right, great. Thanks, guys.
10 So the purpose of today's meeting. What is the purpose of
11 today's meeting? The purpose of today's meeting is to hear
12 from you guys. So we're here to solicit your input on the
13 scoping document, any issues that we didn't identify, issues
14 that we identified that we don't need to spend time on.
15 Anything associated with this project.

16 So we're here to help. We're here to listen.
17 We're here to gather information on any existing conditions,
18 potential information needs that are associated with the
19 project. If you haven't done so, if you didn't do so when
20 you came in, please sign up through the sign-up sheets.

21 We have a court reporter here today. He's an
22 independent court reporter, doesn't work for FERC, doesn't
23 work for Eagle Creek. His name is Bruce and he will be
24 transcribing everything that is said in the meeting today.
25 He has a very, very important job, so we want to make sure

1 that everybody speaks up clearly and states their name and
2 affiliation.

3 Every time you speak, just remember to state
4 your name, your affiliation, so he can get that on the
5 record. And what I mean by on the record, that means it'll
6 go on the public record, which is available on our website.
7 You can download the whole transcript, read it
8 word-for-word, all that good stuff. So please just speak
9 clearly. Again, state your name and don't interrupt folks
10 so we can have a very clear record, okay?

11 Some other basic housekeeping ground rules.
12 There's going to be a lot of people want to speak today, and
13 we're going to get to everybody. Everybody will have an
14 opportunity to speak. Like I said, no kicking,
15 hair-pulling, biting and screaming. You will all get a
16 chance to speak. So just be kind and courteous to
17 everybody. Everybody has their own opinion, et cetera, so
18 you'll get that chance.

19 So what I'm going to do today is give a quick
20 rundown of what FERC is, what we do and what we regulate.
21 Some licensing basics. Just to go through this real quick.
22 Eagle Creek will give their presentation, just about the
23 project, how it functions. And then we'll open up the floor
24 and let you guys say what you want to say, make statements,
25 comments, ask questions, all that good stuff.

1 So let's get through this introductory material
2 and then we'll open up the floor. Also, I want to ask the
3 folks that were here this morning, too, if you have anything
4 else you want to say, please wait till the end so all of our
5 new faces can speak, get their word in ahead of time, okay?

6 All right. So, what is FERC? FERC is a federal
7 agency. We regulate various things: transmission of
8 natural gas, oil, electricity, and of course, hydropower
9 projects, which is why we're here today. And there's five
10 FERC commissioners appointed by the president, confirmed by
11 Senate. We're just a small agency with 1,500 employees.
12 There's 300 in the Office of Energy Projects, which is what
13 we're all in, in the Division of Hydropower Licensing.

14 Within the Office of Energy Projects, there's
15 licensing, there's dam safety and license administration and
16 compliance. We take care of the relicensing business.
17 Administration compliance takes care of issues that arise
18 during a current license. All of us are informed by
19 licensees, resource agencies, NGOs and you guys.

20 Just quickly, hydropower jurisdiction, there's
21 four -- first of all, our authority comes with federal power
22 acts. The authorization is required for non-federal
23 hydropower projects. That's estimate one of those four
24 criteria that are listed up there.

25 Our hydropower company, Eagle Creek, is in the

1 integrated licensing process, which is our default licensing
2 process. It's a, kind of a front-loaded process where we
3 collect a ton of information up front, get input from
4 everybody, and it's a more regimented kind of schedule that
5 allows it to be a little bit more efficient, and overall,
6 takes about five and a half years to complete.

7 And so there's two basic components to the
8 integrated licensing process, also known as the ILP.
9 There's pre-filing and there's post-filing. Pre-filing is
10 what we're currently in, where in which we do data
11 collection through studies, getting public input,
12 stakeholder input, and it's broken down by those.

13 And then there's post-filing, which comes after
14 the application. Eagle Creek will eventually submit an
15 application, we'll review it, we'll submit our own
16 environmental analysis based on all the information as
17 gathered and submit our recommendations until we finally get
18 to a license holder.

19 But there's a ton of other steps that go in
20 between all those various things you see there. Eagle Creek
21 has already submitted the PAD a few months ago. A PAD is a
22 pre-application document which summarizes all the existing
23 relevant and reasonably available information. So
24 everything that they could get, they put in that PAD.

25 And it provides a, kind of the ground work, the

1 framework for all the issues, so we can identify them, see
2 where the data gaps are, what study needs we need. It's a
3 basic introduction to the project. And it sets a schedule
4 for the ILP. So the schedule for the ILP is in that PAD as
5 well.

6 Scoping. We're here for a scoping meeting.
7 This is the stage we're currently at. It's our first step
8 in the NEPA process, NEPA being the National Environmental
9 Policy Act. And this is the safer -- like I said, we
10 solicit public input and comments on that scoping document,
11 which we have off to the side.

12 I think everybody got one when they came into
13 this door today. And we want to ask everybody from agencies
14 to community, did we get it right? Are there any other
15 issues that we need to look at and address? It's just
16 information gathering, and then we'll eventually, down the
17 road, we'll start to do the analysis. All right?

18 Study plan development. That is the next
19 important step in this process. After today, resource
20 agencies, NGOs, you guys could submit study requests and
21 then the next process would be, Eagle Creek would receive
22 those, look at them, see if they're warranted, if they meet
23 our study criteria, we would have input, we talk back and
24 forth and meet with our resource agencies. There's a lot of
25 dialogue between all the players at the end. And which

1 involves meetings and review of various studies and
2 comments.

3 And this provides the information we need for
4 our environmental analysis and recommendations. And I'm
5 going to repeat this date here. We have several times
6 today, all comments on PADs through requests need to be
7 submitted by July 29th. And I'll talk a little bit more
8 about that later in the evening.

9 The last part of the pre-filing process is
10 conducting studies and preparing the application. And that
11 can take about two to three years of time, depending upon
12 what is required. So that's my quick rundown on that. I'm
13 going to turn it over to Eagle Creek now and they're going
14 to give their presentation and then we'll jump back in and
15 let you guys say what you need to say and ask any
16 questions. But again, please let's just finish up so we can
17 get through this and get the ball rolling. Thanks, guys.

18 MR. SCARZELLO: Good evening. Mike Scarzello
19 with Eagle Creek, Regulatory Director. I'll be as quick and
20 efficient as I can and give you a rundown of the project
21 basics of our Mongaup River System Projects.

22 Before I do that, I just wanted to really
23 quickly touch on who is Eagle Creek. It's probably a new
24 name to some of you. We are an owner/operator and developer
25 of hydroelectric projects exclusively. Our present

1 portfolio includes sixty-two operating facilities which
2 represents about 200 megawatts of installed capacity that
3 produces more than 800 gigawatt hours of renewable
4 hydrogeneration.

5 The company was founded in 2010 initially to
6 acquire and operate the Mongaup River Hydro Project. By a
7 map of our country, you can see that we have a lot of focus
8 of different hydro facilities in the Northeast. We recently
9 acquired, as part of Eagle Creek's growth, a number of
10 facilities in the Upper Midwest region, and most recently
11 we've closed on some acquisitions in Virginia, Colorado and
12 California.

13 The primary goals of this presentation is to
14 provide a very brief overview of our operating
15 characteristics of the Mongaup projects, and then Jim from
16 HDR will take you through Steps 2 and 3 to summarize the
17 projects' existing license articles, the pre-application
18 document, and the preparation process.

19 Very briefly, the three projects that we're
20 talking about is the Swinging Bridge Project, the Mongaup
21 Falls Project and the Rio Project. Included in the Swinging
22 Bridge are the components of the Toronto development, a
23 storage reservoir, the Cliff Lake development, another
24 storage reservoir, and the Swinging Bridge Station itself.

25 The licenses for each of these three projects

1 were issued in 1992. It was a thirty year federal license.
2 It'll expire in 2022, hence this relicense process that
3 we're going through. The three co-licensees are
4 collectively owned by Eagle Creek Hydro, and there are the
5 names.

6 The map on the right shows you the watershed
7 drainage area for the Mongaup River Basin that these
8 projects are contained in, outlined in green, and it points
9 out each of the elements that I've just identified.

10 A brief construction history, some important
11 historic aspects of this project. It was built by the
12 Rockland Light and Power Company and it was the first source
13 of electric generation for the region. Mongaup Falls was
14 constructed in 1923, Rio in 1927, Swinging Bridge in 1930.
15 It was later retired. We'll talk about that a bit later.
16 Unit 2 was added in 1939.

17 The units were built to meet demand for
18 electricity as and when needed, meaning they're built to
19 provide peak power. The capability of the units are greater
20 than the average water flow flowing through the Mongaup
21 River System. They were built to ensure adequate supply of
22 electricity at times of peak demand, as opposed to being
23 designed to match production to river flow. It provides
24 significant storage to mitigate dependence on
25 precipitation.

1 An important regional power resource, an
2 important graphic below that describes how the project
3 supplies on-demand peak power. They're capable of supplying
4 some peak power in very hot and very cold weather, thereby
5 offsetting the use of inefficient fossil peaking plants. It
6 enables the integration of intermittent renewable resources
7 by responding to system operator dispatch signals. It has
8 the ability to stabilize the grid by acting as a standby
9 resource and that's known in our parlance as 10-minute
10 spinning reserve.

11 The graph on bottom in the blue shows, on
12 June 13th, last week, actual peak demand in this region of
13 lower New York State. The graphic in the red underneath it
14 shows the Mongaup River System's ability to ramp peak up and
15 help offset some of that system demand. System demand for
16 the New York load is in gigawatts on the right. Our
17 operation is in megawatts on the left. And these are hours
18 over the course of a day.

19 Again, an important regional power resource in
20 this constrained region of New York State, and that's
21 basically what this slide is talking about. So the creation
22 of this capacity constraining zone, reflected by ISO, is in
23 need for more reliable resources in generation.

24 Unlike solar, wind and running river hydro, this
25 Mongaup River System is considered reliable at a full

1 nameplate operating capacity of nearly 22 megawatts. And it
2 has the ability to reinforce the local transmission system.
3 It can be dispatched by Orange and Rockland Utilities when
4 needed, to support local system maintenance.

5 It's also an important recreation and
6 environmental resource. It provides recreational boating at
7 the five different reservoirs. It provides scheduled white
8 water releases below our Rio Station from April 15th through
9 October 31st, through regulation of minimum flows and
10 support of trout habitat and bypass fisheries.

11 It also creates a fishery that is recognized for
12 its bald eagle habitat. Under its present operation, there
13 is a guaranteed minimum flow release downstream to ensure
14 aquatic habitat, even during dry periods when natural flows
15 would be lower.

16 The dispatch capability provides a tool for the
17 Delaware River Basin Commission to manage flows during
18 drought emergencies. And then, very quickly, I'm going to
19 step through each of these developments and point out some
20 of the features.

21 First, we have our Toronto Development. This is
22 an aerial shot, looking at the spillway section. This is
23 your intake headwork structure and this would be your outlet
24 structure, releasing flows into the Black Lake Creek.

25 I'm not going to go through all the details on

1 the left of the slide. On the right, it's the same
2 reservoir. There's the gate structure extending into the
3 reservoir, and this is the spillway section off to the woods
4 on the right, looking downstream of the dam.

5 Cliff Lake Development, here's your dam, your
6 spillway structure, your outlet structure that releases
7 flows into the -- actually through a tunnel that is
8 connected to the Swinging Bridge Reservoir and outflows can
9 also be released to the outlet tunnel structure right here.
10 Again, another view looking across the spillway and looking
11 below the dam.

12 The Swinging Bridge Development. Your earthen
13 dam, the power station, and the spillway section on river
14 right. Looking out towards the spillway section, behind the
15 spillway section looking at your gates to control flow
16 releases. From the dam looking downstream to the active
17 Powerhouse Number 2.

18 Powerhouse Number 1 was decommissioned in the
19 neighborhood of 2007 after the prior owner had some dam
20 subsidence issues which have since been corrected and
21 allowed to return to normal, the normal impoundment
22 operating level.

23 There is plenty of recreation access points. We
24 had a very good walk-through visit with FERC staff and
25 interested public yesterday to various access points in the

1 entire river system, including Swinging Bridge, Mongaup and
2 Rio. Eagle Creek is also concurrently in a separate process
3 amending its Swinging Bridge license to presently add a
4 small minimum flow turbine scheduled to be in service July,
5 2019, through a NYSERDA contract.

6 The Mongaup Falls Project, an aerial view of the
7 spillway, a small section of the impoundment, the penstock
8 run down to the powerhouse. A view of the impoundment, a
9 view of the dam and the penstock leading away from the dam.

10 Adjacent to that is the black growth drainage
11 that used to be connected to the Mongaup Station. It has
12 long been discontinued, and in its place is remnants of an
13 existing dam structure and it's free flowing.

14 Again, just pointing out features of project
15 boundary. In the green are lands administered by the New
16 York DEC. The Rio Project, the dam and spillway section, a
17 small shot of the impoundment, a long run of the penstock
18 down to the main powerhouse.

19 Shot of the Rio Reservoir, the Rio dam, penstock
20 leading. There's a minimum flow powerhouse. Eagle Creek
21 installed a 800 kilowatt unit in 2013 and another shot of
22 the Rio spillway. Couple more shots of the powerhouse and
23 the penstock. Recreation points. And again, lands and
24 green administered by the New York DEC.

25 And then I just wanted to spend a few minutes on

1 this last slide. I know it's very busy, but if you can just
2 bear with me, it's a nice schematic that tries to illustrate
3 powerhouse location, relative to where the Mongaup River
4 flows through the system and back out. Comes in through a
5 USGS gauging station, runs through the Swinging Bridge
6 Reservoir, which is fed by drainage and minimum flow
7 releases from our Toronto Reservoir through Cliff Lake.

8 Cliff Lake is directly connected to a rock
9 tunnel, and these two are same elevation. Swinging Bridge
10 provides its 100 cfs minimum flow release. Cliff Lake
11 provides a 10 cfs minimum flow release into the MOngaup
12 River stretch ahead of the Mongaup Falls impoundment. From
13 there, its 70 cfs minimum flow release is placed back into
14 the river channel.

15 Adjacent to that is the Mongaup Fall Station,
16 and then discharges go down to the Rio impoundment. Where
17 you have the Rio Station and ahead of that, you have the Rio
18 minimum flow unit, which provides 100 cfs minimum flow out
19 through the project, past the USGS gauge, back into the
20 Mongaup River.

21 All right, that was about as quick as I can make
22 it. I think I'm going to turn it over to Jim, and he's
23 going to run us through the rest of the slides.

24 MR. GIBSON: One thing I just want to point out
25 here. This is actually 860 vs compared to 360. Just one of

1 those numbers that kind of got carried through.

2 Thanks, Mike. Once again, my name's Jim Gibson.
3 I'm with HDR and I'm supporting Eagle Creek with the
4 relicensing activities. I'm going to run through two
5 different topics.

6 First of all, I'm going to run through the
7 existing license articles, because this is not the first
8 time that these projects have been through a FERC licensing.
9 As noted earlier, back in 1992, the three projects were
10 issued three individual licenses by the Federal Energy
11 Regulatory Commission, and with those licenses came
12 requirements for the hydro owner to implement.

13 Consistent with some of the same numbers that
14 Mike was just referring to and was up on the screen, out of
15 each of those reservoirs, there is a minimum flow that must
16 be released at all times. So you see, for example, Toronto,
17 10 cfs. Or Swinging Bridge, 100 cfs at all times. So that
18 was established through studies and consultation with the
19 Fish and Wildlife Service, DEC and others, leading up to the
20 1992 issuance of a license.

21 In addition to those minimum base flows, Eagle
22 Creek has continued to do dissolved oxygen and temperature
23 of water monitoring downstream of their Swinging Bridge
24 facility, as well as the Rio and Mongaup facilities. So
25 that's something they do every year, particularly in the

1 summer months, both dissolved oxygen and temperatures being
2 continuously monitored. And once again, that's a result of
3 the last relicensing and consultation with the parties.

4 Mike did a nice job of covering the recreation
5 and if folks have more questions about recreation, we'd be
6 happy to stick around afterwards. We've got the poster
7 boards. And if you have the free application document,
8 you'll find these same diagrams, so we won't go through all
9 of these.

10 But what's worth noting on these slides is the
11 number of recreational facilities that were developed as a
12 result of the last relicensing. Studies were performed.
13 Consultation was performed and you see a number of these
14 areas that are indicated here were either developed new or
15 expanded as a result of the last relicensing.

16 And I'd also like to point out, for Mongaup
17 Falls, for example, as a result of that consultation that
18 occurred back, leading up to 1992, all the lands that are
19 hatched here were transferred over for DEC management,
20 particularly for eagle habitat. So when you see the eagle
21 viewing sites, an eagle habitat that exists around the
22 impoundments, this is land that's been set aside for that.
23 And the same to some degree there, around the Rio
24 Reservoir.

25 Last topic here, I want to talk about the

1 pre-application document. Back in March, a document was
2 released. It was sent into the Federal Energy Regulatory
3 Commission. If you're on the distribution list, you
4 received a copy of it. And it's also on the website that's
5 been set up by Eagle Creek. So if anybody needs a copy of
6 this document, just let us know. We can point you to that
7 website so you can obtain a copy.

8 But what Eagle Creek did with our support is
9 develop the pre-application documents. We did that through
10 soliciting comments and feedback from a number of parties.
11 We sent out a questionnaire to about ninety different
12 groups, to see what kind of information they had, and
13 information we could include in the document.

14 We also reached out to the Fish and Wildlife
15 Service and also the New York State Natural Heritage
16 inventory to obtain information about potential threatened
17 and endangered species. We also confirmed the state's
18 coastal zone requirements, as well as no federal lands
19 associated with the project. Those are regulatory
20 requirements we had to meet.

21 So if you have a copy of the pre-application
22 document, just want to highlight a couple of items here.
23 Mike went through a number of slides, and there was a number
24 of measurements and dimensions that we didn't necessarily
25 cover tonight, but all that information is presented in

1 Section 4 of the document. So if you want to view more of
2 that information, that's a good place to go.

3 And also the process plan and schedule. The
4 scoping document that FERC has a copy of tonight, I think
5 it's in Appendix B. There's a schedule in that document.
6 That schedule now supercedes what's in Section 3. The way
7 the process works is, we put out a proposed schedule, and
8 then depending on when this meeting occurs, the schedule
9 gets shifted just a little bit. And that's the latest and
10 greatest schedule.

11 So if you're looking for the schedule, you'd
12 want to look at the scoping document. And then everything
13 else is pretty straightforward, but that is the Table of
14 Contents for the pre-application document.

15 Lastly, what I will mention is, this project's
16 somewhat unique. There's a number of relicensings starting
17 up throughout the country. In fact, I think over the next
18 ten years, there are just over four hundred licensings
19 starting with sixty-eight of them here in New York. So
20 about fifteen percent of all the relicensings are happening
21 in New York.

22 So the Mongaup Project's not very unique in that
23 sense. There's a lot of this going on. But these are three
24 of the first projects in New York that are getting
25 relicensed after 1986. And the significance of that is,

1 there was an Act passed in 1986, Electric Consumers
2 Protection Act, that really changed relicensing.

3 Before that time, this was a rather streamlined
4 process, not as much analyses. But as a result of the
5 regulatory changes that took place in 1986, any relicensings
6 that occurred afterwards, which this one did--it essentially
7 took place between 1987 and 1992--went through a pretty
8 thorough analysis from both a NEPA perspective, as well as
9 you see some of the requirements here, in terms of looking
10 at fish and wildlife and balancing, giving equal
11 consideration to wildlife values through the decisions that
12 were made.

13 Point being is, you saw those minimum flows that
14 were established. You saw the land that was transferred.
15 You saw the DO monitoring, the temperature monitoring.
16 Those things are as a result of the last relicensing. That
17 was because primarily this was a more robust process.

18 So the last slide I'd like to touch upon here is
19 the studies that, at this time, are being proposed. As
20 Quinn said, as we move through the process, we're going to
21 be consulting with parties regarding potential studies to be
22 performed.

23 Once again, if you look back at that Table of
24 Contents I presented--I believe it's Section 6--we talked
25 about potential studies to perform. At this time, no

1 studies are being proposed. We know there's going to be
2 some consultation with parties regarding studies. But
3 there's a reason for that. Once again, it's because of the
4 robust nature of the 1992 relicensing, in combination with
5 studies such as these.

6 We didn't list all the studies up here. There's
7 details in the pre-application document about these studies,
8 but you see the endstream flow study? Like, for example,
9 that's how that 10 cfs or 100 cfs or 70 cfs was established.
10 And there were a fair number of studies regarding fish, both
11 what kind of fish exist in the system and the
12 impoundments--or, excuse me--reservoirs and the streams, as
13 well as potential threats to those fish. So with that, I
14 will turn it back over to FERC, and if there's any
15 questions, we'd be happy to answer afterward.

16 MR. EMMERING: All right. So now, what we're
17 going to do is open up the floor to the audience. Once
18 again, just please be courteous of everyone. We're going to
19 go through our sign-in sheet here, and just go one-by-one,
20 calling out names to allow you to make a statement if you
21 checked the box to make oral comments today. And we'll just
22 walk through that. But just be courteous. Don't interrupt
23 anybody, so we can get a nice, clean record. And let
24 everybody speak their mind. And with that --

25 MR. HOGAN: Harold Saltzman?

1 MR. SALTZMAN: First, I want to begin my remarks
2 by saying God bless FERC. I love FERC. I've been involved
3 with the Friends of Toronto Reservoir for fifteen years.
4 We've been fighting the battle to keep the public access
5 open at the eastern end of Toronto Reservoir.

6 It's been a fifteen-year wolf between the people
7 of Sullivan County, particularly the town of Bethel, and the
8 developer who bought the six thousand acres of property
9 around Toronto Reservoir, and for fifteen years, has done
10 everything and anything to try to close that public access
11 to the people of Bethel, Sullivan County, the State of New
12 York, and the entire United States.

13 The Federal government recognizes that in giving
14 a private company like Eagle Creek the right to use the
15 reservoir for private enterprise to generate profits from
16 electricity, Eagle Creek then has an obligation to the
17 public, as does FERC, to allow the public to use that
18 waterway for recreational purposes.

19 We have a developer, who in 1999, came in,
20 bought six thousand acres around the reservoir, built a
21 magnificent development called Chapin Estates with million,
22 two million, five million dollar homes, and decided he
23 wanted to close off all public access on the east bend so
24 that the people could not come down and use the reservoir as
25 they had been for millions and millions of years.

1 I understand this morning, Dr. Teitelbaum, the
2 Homeowners Association of Chapin Estates, supported the
3 Friends of Toronto Reservoir in our desire and effort to
4 keep the public access open to the public and not cave in to
5 the developer, Woodstone Lakes and Steve Dubrovsky, who's
6 the spokesperson. This has been an ongoing fifteen-year war
7 and the developer, the aim of the developer is to close that
8 public access one way or another.

9 He's failed through New York State Courts. He's
10 failed politically. He's failed in a lot of other ways, but
11 is now putting the pressure on, and what pressure will be
12 immense, to close that access. And just to bring you
13 up-to-date, forget about the past, let's go to the present.
14 Just this past Sunday, in the New York Times Real Estate
15 section, this issue came up again. And I'm going to give
16 you this for your records.

17 I want to read two small paragraphs in this.
18 This is in a section of the New York Times Real Estate
19 section of this past Sunday, June 18th, and it talks about
20 upscale development, on upscale community developments in
21 the Hudson Valley. Two brief paragraphs. After talking
22 about some of the others in nearby areas, it says:

23 "Other new developments in the Hudson Valley
24 include Silo Ridge, a luxury project under construction on
25 the other side of the river in Dutchess County and the

1 Chapin Estate, a six-thousand acre development in Sullivan
2 County to the Southwest."

3 And then a little later on in the article, it
4 says, "As with the Chapin Estate, which has homes ranging
5 from \$500,000 to as much as \$15 million dollars, development
6 is proceeding." Now, here's a quote from Mr. Dubrovsky,
7 "'Prices have gone up four- to five-hundred percent since
8 the projects' inception,' says Steve Dubrovsky, the
9 developer. 'We bought the land in 1999 and began selling
10 homes there the following year. So far one hundred and
11 twenty-five have been built with room for nearly five
12 hundred more.'"

13 And it's the five hundred more homes that they
14 want to build, which is at issue here. Because he cannot
15 sell those properties and build those five hundred homes as
16 long as there's public access to the east end of the
17 reservoir. And that is the push to close that east access,
18 so that Mr. Dubrovsky and Woodstone Lakes Development can
19 make billions selling those parcels and building homes, five
20 hundred luxury homes, on the east bend of Toronto Reservoir.

21 And that's what the issue is all about, and what
22 FERC is up against in terms of renewing 10482 to keep that
23 access open to the public and not close off the public, so
24 that a developer can make billions of dollars at the expense
25 of the public. I thank you gentlemen. I want to submit

1 this for you. Thank you.

2 MR. HOGAN: Philip and/or Arlene Winegrad?

3 MR. WINEGRAD: My name is Philip Winegrad. I
4 live on Swinging Bridge. Around 1987, my wife and I were
5 looking for a home in the Catskills, and we stumbled on this
6 house that we live in now on Starlight Road. And I don't
7 know where she got the information, but she said, you know,
8 "This is a reservoir, the water goes up and down." I said,
9 oh, okay.

10 So I went to the library, I looked up and saw
11 the fan was built in 1927. Here they mentioned 1930. I'm
12 not going to quibble. And I said, it's an earthen dam, it
13 hasn't gone anywhere for fifty years, what are you worried
14 about? So we bought the house and we've been living there
15 ever since.

16 We have struggled, except for the couple of
17 years that the dam, the pipe caved in on itself and they had
18 to fill it up with concrete, but comes the middle of July or
19 August, the water disappears. Now when we bought the house
20 originally, we had Orange and Rockland. Never seemed to
21 have a problem. And then Moran came along and they went
22 busted.

23 And Eagle Creek is here and, I don't know, maybe
24 they're trying to do the best they can for us, but I got
25 some photos -- this is what it looks like without water.

1 It's just vacant land.

2 One thing I would say about FERC, I was
3 President of the Homeowners Association for about five years
4 and during the course of all this absence of water, the home
5 owners wrote about this, I went down to FERC, down to D.C.,
6 several times, and when the receptionist asked me my name, I
7 told her Swinging Bridge. She turned on the computer, and
8 all our letters were in the computer. And it sort of made
9 me feel that the government is looking at the situation.

10 The deputy director that we met with that day
11 lived in Virginia. He told me he had the same problem with
12 Virginia, he lived on a lake, and the water was disappearing
13 all the time. And so I appreciate FERC. I concur with what
14 this gentleman said about, you know, it's not really our
15 venue, it's just we would like to have navigable water at
16 least for June, July, August and September.

17 I don't know how many eagles there are now. We
18 had eagles when we moved in. And I would like to have water
19 distributed so that the fishing can go on and the canoeing
20 can go on and everybody go on. If we all just give in a
21 little bit, and instead of having water going out 100 cubic
22 feet per second, maybe 30 cubic feet is sufficient.

23 I'm going to leave it to FERC to iron it out.
24 Any questions you have, you have my number, you can come
25 down, take a look at my house, and I'll point out all the

1 problems that we have. Thanks for hearing me out.

2 MR. EMMERING: Philip, did you want for us to
3 keep these pictures? Or did you want to --

4 MR. WINEGRAD: I'll take them back. Maybe we'll
5 have another case next year. [laughter] If you want them,
6 you can have them.

7 DR. ABRAMSON: When were these photos taken?
8 Can I ask a question? When were the photos taken that you
9 looked at, I mean, it's twelve months of the year.

10 MR. WINEGRAD: Right. This is when the --

11 DR. ABRAMSON: I know, but what month? I know.
12 I've taken pictures, too, but was that done in the summer?
13 Was that done in July --

14 MR. WINEGRAD: Summer, it's summer. Yeah, July.

15 DR. ABRAMSON: That was July?

16 MR. WINEGRAD: June, July.

17 DR. ABRAMSON: Even though we're -- because I
18 don't remember that.

19 MR. WINEGRAD: Oh, where do you live?

20 DR. ABRAMSON: Oh, no, I'm in Swinging Bridge,
21 Toronto.

22 MR. WINEGRAD: Oh, Toronto.

23 DR. ABRAMSON: Yeah.

24 MR. WINEGRAD: You guys had it bad, too.

25 DR. ABRAMSON: Yeah. But not much.

1 MR. HOGAN: May I have your name, please, for
2 the record?

3 DR. ABRAMSON: Doctor Allan Abramson.

4 MR. HOGAN: Allan Abramson?

5 DR. ABRAMSON: A-b-r-a-m-s-o-n.

6 MR. HOGAN: Thank you. Herman Goldfarb.

7 MR. GOLDFARB: I'll try to speak loudly. I came
8 here on a mission of gratitude to FERC because of the
9 wonderful work that they're doing in keeping our area an
10 area for nature lovers, as well as people who want to
11 prevent global warming.

12 In that issue, I think Eagle Creek, every bit of
13 electricity that they generate is saving our planet. And I
14 think that we should do everything to keep these kinds of
15 guys going. I see no reason why Eagle Creek should be
16 prevented from relicensing. They've been positive in the
17 area very satisfactorily.

18 My house was about the first house on Swinging
19 Bridge, and I came here because I caught a largemouth bass.
20 Mrs. Delfungo[SP]. I don't know if that name means anything
21 to any of you, but her husband owned the lake, let me fish
22 there. They used to have a chain across the lake. This
23 goes back a lot of years. I've been fishing there and
24 hunting in that area for forty years, forty-five years.

25 All of a sudden, fifteen years ago, this clown,

1 Mr. Dubrovsky, put up this -- I read it, I saw it in the
2 newspaper, that some guy put rocks in front of the access
3 road and blocked everybody from going in. I have been
4 fishing there and hunting in that area for a long time, as
5 well as my [inaudible]. Toronto's been a beautiful place
6 always and have that wonderful access that the good people
7 of FERC have seen to remained open.

8 And now, and we've been fighting for fifteen
9 years against this megapolis that they put there in order to
10 make it private for rich people and not let the ordinary
11 people get into the access. It was unbelievable -- we went
12 down there, my wife and I, and there were rocks they had put
13 just illegal, completely illegal.

14 And now here we are again. We thought we had
15 won it. For fifteen years, we thought we had won. And now,
16 they passed money around someplace. They've got oodles of
17 money, obviously. They passed money around. We know that
18 money was passed around up high someplace.

19 And now they got the Board of Health, the Board
20 of Health, the payroll, somebody -- I'm sorry -- I know you
21 don't know anything about it. But we have a high suspicion
22 that somebody's gotten to the higher ups in the Board of
23 Health to do what they're doing now. And then try to
24 declare this wonderful primitive kind of access that was
25 supplied by FERC into a beach, which it never was.

1 It never was a beach. It was never construed to
2 be a beach by FERC and/or the people who use it. It was
3 always supposed to be a primitive nature access to this
4 wonderful little piece of water. And now they're talking
5 about putting up a beach and having lifeguards and the
6 whole -- manicuring the place. Which it never was intended
7 to be.

8 And Dan Hust, the supervisor of the county --
9 what county? Bethel. He's wanting me to deliver a message
10 to all of you guys. That they thought that the leaders of
11 Bethel are fully behind the approach of FERC to keep that
12 place an open, natural access route and not a beach, and not
13 to put it under the aegis of another authority, the Board of
14 Health, for no reason whatsoever but to put more screws into
15 it so that they can limit the access to certain hours,
16 certain times and things, and they forced Eagle Creek to do
17 that and we are still in that's trouble.

18 And I just want to hope that FERC stands firm,
19 to maintain that access, what it was designed to be, what it
20 has always been. It has never been a beach, and to help
21 Eagle Creek keep it the way it is. Thank you.

22 MR. HOGAN: Allan Abramson?

23 DR. ABRAMSON: I live over in Toronto like I
24 said. There's a couple of things that were said that was
25 misleading. If we want a history lesson, we'd bring up

1 Dubrovsky, but he's not involved anymore. As of last week,
2 when I went down to the town, that property which is called
3 Chapin, has totally changed. He is not majority owner of
4 that anymore.

5 Chatwal is like it is. It's [inaudible] that's
6 there. It's unclear what they're going to do so far. But
7 Dubrovsky has nothing to do with this at this time now. You
8 can go down to town. The town has three pieces that were
9 there -- one of them is Chapin and that's changed hands. So
10 that's the first thing that's important.

11 As swimming rights go, you know, it's
12 interesting. I was a national swimmer. I was 5th place to
13 qualify in the Olympics back in '56, and I came up here,
14 I've been up here twenty-five years, and I've seen this
15 water up and I've seen this water down. I was a lifeguard
16 at Jones Beach for many, many years.

17 But one of the things that I think is of concern
18 to me, and how it's going to fit in between everybody is --
19 in 2017 when we talked about this piece that's there now,
20 what's there, who, what are we going to do with it? When we
21 talk about swimming -- when I saw kids swimming there who
22 were very young and nobody was around, I would go over --
23 this is before all this stuff happened, this is ten years
24 ago, I would stop and I'd say, what are you doing? "We're
25 just going swimming."

1 I think it's unrealistic to think that if you
2 have an open area there, and you keep it wild, whatever
3 you're talking about, people can just go in swimming there,
4 maybe they know how to swim, but maybe their kids and
5 everything else and they don't know how to swim. So I think
6 they need to talk about that, and they don't know how Eagle
7 Creek, and I don't know FERC gets involved.

8 I know that there are some other issues here.
9 But I think you can hear, that area has generated a lot of
10 going forward, a lot of empathy from different people. So
11 if you can go ahead and really -- and you should be able to
12 do that -- you should be able to get the parties concerned.

13 So you go ahead -- and my biggest fear is that
14 somebody says, "Well, they don't have access over there, and
15 they don't have access over there," and so we still have
16 people fighting about, can they go ahead in the water and
17 use the waters. But I think you can go ahead and come up
18 with that. This is 2017, it's very different than
19 twenty-five years ago, so this is one of the things that I
20 wanted to talk about.

21 As far as going up and down, what you're really
22 looking for is stewardship. You can have all the numbers
23 there in the world, you can have all the numbers coming with
24 the amount of feet -- and I've seen it go up, I've seen it
25 go down in twenty-five years now.

1 And you hope that the people are managing this
2 can try to be--a little bit clairvoyant so they can try to
3 guess what the weather's going to be like. As you know,
4 this year is an unbelievable year. Last year, a few more
5 years, maybe the year before, it was not a good year, so
6 it's difficult, it's difficult to know.

7 Fish. You know, we don't have that -- this is
8 not a natural place, Toronto. I don't know about Swinging
9 Bridge. It's not natural. So the idea that there are
10 indigenous fish that were there, there were fish that came
11 there after it was blocked off, but this isn't something --
12 this isn't the Delaware or something that's been going for
13 hundreds of years.

14 And so that, I think we need to take a look at
15 what's happened over the years, compare the fish to what we
16 had before with it and see if going up and down has affected
17 any of the fish in Toronto itself. The other people talk
18 about going downstream and what the downstream could mean to
19 this whole thing.

20 Then there are minor issues that still are
21 there, and that you know that, in opening up the two areas
22 that are there, there's garbage that is created by people
23 that come and use it for weekends or during the week, and
24 who's responsible for cleaning all of that? And for the
25 people that come in the different areas take everything

1 away.

2 Or if you go down in yourself and you take a
3 look at it, are you sometimes ashamed of what's going on
4 during the weekend? I surely am ashamed sometimes at the
5 end of a weekend to see all the things that are strewn
6 around with it. But this is a wonderful pristine place.
7 There'll be times it will be up and there'll be times when
8 it will be down and I think that everybody would like to get
9 a piece of it better and I think a lot of it is going to
10 come out [inaudible].

11 The FERC piece though, to me, is if you try to
12 take that piece down there that's been a lot, and I agree
13 with everybody down there that this was originally made to
14 be a wild place. For now, it's not wild anymore and it
15 hasn't been wild, because if you go down there, sometimes so
16 many people are there, but to see who is going to be
17 responsible for different aspects of that. And I want to
18 bring up the safety, being a physician. I want to bring up
19 -- somebody here has to talk about that and not say, it's
20 not my purview. Thank you.

21 MR. HOGAN: John Light? John? Florence
22 Goldfarb?

23 MS. GOLDFARB: I'm Florence Goldfarb and I live
24 on Swinging Bridge. You know, it's problematic when the
25 lake goes down, lake comes up. But a lot of that has to do

1 with the weather and things that the power company is
2 required to release water for trout and water for
3 [inaudible], rare things like that.

4 I guess what comes to me though, mostly out of
5 this, is the idea that you have two access areas on each of
6 these bodies of water for the public to use, whether they're
7 going to be launching boats, whether they're going to swim,
8 picnic, whatever, Sullivan County has the poorest quality of
9 life in all the counties in New York State, second only to
10 the Bronx. We have a tremendous number of poor, poor
11 people.

12 And I feel proud that the Swinging Bridge has
13 this boat launch and a place where people can go where maybe
14 they have four or five kids and they can go there and swim
15 and not have to pay money and float around on tubes and not
16 have to spend \$50 to go to the movies or something. I feel
17 like it's a, I don't know, I feel proud of it.

18 And I feel that way towards the Toronto Lake
19 access, the east access, but it's a fight, it's a struggle.
20 I think these guys are in the middle. They're being pushed
21 from FERC, which we count on you guys to push you people to
22 try to keep it open so that -- I see Chapin Estates as the
23 money people, the people that would like to have it sort of
24 exclusive.

25 And you know, I'm 66 years old. I grew up in

1 Sullivan County. We didn't have lifeguards every place.
2 You went swimming, your parents knew where you were. That's
3 just something that comes with the territory with growing up
4 in a rural area. And I think that Sullivan County needs to
5 have these places where there's so many poor people that
6 they can go there and they can recreate and they can sun
7 themselves and go swimming and, you know, that's really it.

8 And I hope FERC--I hate to say it--keeps
9 pressuring you guys to make you guys are able to win against
10 the New York State Department of Health. And I think it's
11 interesting that Dubrovsky, years ago, and fundraisers for
12 Chuck Schumer, and different people, and it always makes you
13 wonder in the back of your mind -- money, money can
14 influence political things. That's all.

15 MR. HOGAN: Steven Wilson?

16 MR. WILSON: My name's Steve Wilson. I'm a
17 partner at the Law Firm of Harris Beach. I represent the
18 Swinging Bridge Property Owners Association in this
19 proceeding. We're still working our way through the PAD,
20 the license and the scoping documents, so I don't have any
21 specific comments about anything at this point.

22 Rather, I just wanted to make an appearance on
23 the record and just say, generally, what we're going to be
24 looking at and asking FERC and the applicant to examine
25 closely is water level and associated flows and of course,

1 the effect on fisheries downstream. But we'll be submitting
2 detailed written comments at the end of July on those
3 issues.

4 MR. HOGAN: Dr. Teitelbaum?

5 DR. TEITELBAUM: Thanks for the opportunity to
6 speak. Hal Teitelbaum. I did speak this morning. I'll try
7 not to be too redundant. I do want to clarify couple of
8 things.

9 One, Steve Dubrovsky and his role is unknown.
10 Not that that's terribly relevant, but since it's been
11 stated that he had a role, that is incorrect. He has
12 refused, in questions that I've asked of Steve Dubrovsky and
13 his manager, to say exactly what role he has at this time.

14 So there was this article talking about this
15 development. There was a press release issued by Chatwal's
16 Resorts and Hotels that they are opening a Chatwal Lodge in
17 Bethel, New York. This is apparently located at the site of
18 Steve Dubrovsky's home, at least that is what is thought to
19 be the case.

20 According to what we have been told, Steve
21 Dubrovsky will remain an active partner of some joint
22 venture of which he may or may not still remain minority
23 owner. Just wanted to get that clear for those people who
24 may be wondering.

25 Number two, safety. Safety is everybody's

1 concern. But rightly, the issue about safety at the public
2 access point is no different than the issue of safety around
3 the [inaudible] for the rest of Toronto. I can go down to
4 my house and I can go in the water. And I have children
5 there, I can have them there and they can be drowning.
6 That's not what I want them to do, of course.

7 But my point is, when somebody launches a boat
8 anywhere, whether it's one of the homeowners or somebody
9 else in Sullivan County, their child or their spouse can
10 jump off the boat, I can go over there and jump off my boat
11 right now and drown in Toronto Reservoir. Nobody prevents
12 me from doing so.

13 My point simply is that it is ridiculous to be
14 demanding more safety -- or have more safety concerns about
15 the public access, than it is about the rest of the
16 reservoir. Or the rest of the reservoir system. So again,
17 I think this is really a ridiculous argument about safety at
18 the public access.

19 We're all concerned about safety, but we're not
20 going to put light bars and running around throughout the
21 reservoir for anyone. So I agree, people should be allowed
22 to go there. I agree with Mrs. Goldfarb about the fact that
23 access should be open. I said that this morning, I'll say
24 it again, but I think it's really important to stress that
25 it's not the so-called people of Chapin who are standing in

1 the way of the access.

2 It has been and remains the developer, not their
3 work. So I'm told. It's certainly not me. And it's not
4 the majority of residents. The majority of residents around
5 the Toronto Reservoir believe, and I do represent the
6 majority of those residents through Homeowners of Toronto,
7 believe that Toronto Reservoir is a public resource that
8 should be available for everyone in Bethel, Sullivan
9 County, and New York and in the country, period.

10 So again, different perspective than what
11 perhaps [inaudible] things, it doesn't take, I'm not going
12 to speak for him because I can't, but again, we welcome
13 access. My prior comments, just to reiterate what I said
14 this morning, access and water, both at Swinging Bridge and
15 Toronto, are essential to create the kind of recreational
16 resources in Sullivan County that we need to preserve and
17 increase. And Sullivan County is going to develop its
18 economic base. Sullivan County, again, is one of the
19 healthy areas of the state, the forest, those two things go
20 together. We must increase the critical mass of
21 recreational resources.

22 If we're going to do that, we have access to
23 bodies of water where people can engage in appropriate and
24 safe recreation. And where the aesthetics are inviting,
25 where the shorelines are not dry and barren or present with

1 rotting vegetation. So again, my big pitch, and again, I
2 agree with those with the Swinging Bridge Homeowners
3 Association. We need to really focus on how we can all
4 work together, balance the needs, and make sure there's an
5 access in accurate water levels.

6 MR. HOGAN: With that, that was our last speaker
7 who had signed up. Is there anybody else that would like to
8 make a statement that didn't sign up?

9 MR. EMMERING: Well, I'm going to wrap up the
10 meeting with a few more slides about our study plan process.
11 All right. So study plan development. That is the next
12 stage of our process. Again, I want to refer you guys to a
13 couple of documents so you can keep track of what's going on
14 with the relicensing. There is this document right here,
15 which is really handy. Ideas for implementing and
16 participating in the ILP process.

17 And the wonderfully horrible complex flow chart.
18 But it is quite manageable. You can get through it to see
19 at what stage we are. So again, we are at the scoping
20 meeting stage. Comments on the PAD and the study requests
21 are due on July 29th. Those can be submitted by mail.
22 Those can be submitted electronically. And all of that
23 how-to, to make comments, study plan requests, all in this
24 handy-dandy guide, as well as in the scoping document on
25 Page 23.

1 So you can do that. Forty-five days after those
2 comments are received, Eagle Creek will be submitting a
3 proposed study plan. And then there's all these other dates
4 which you can clearly see here that are forthcoming. Little
5 bit more about study plan development.

6 It's basically for requesting for information of
7 studies that'll help us determine how the project may affect
8 the environmental or socio-economic resources, determine
9 what the geographic and temporal scope of the issues are,
10 understanding the existing environment, and that will
11 eventually inform our recommendations in our environmental
12 document which we will issue several years down the road.

13 Study plan development. There's seven criteria
14 for study requests. And that again, another handy-dandy
15 document, Guide to Understanding and Applying the ILP
16 Process Study Criteria, which is a relatively concise short
17 guide for submitting study requests. It walks you through
18 each of those seven criteria listed up here, as well as has
19 the FAQ, frequently asked question section about how that
20 works.

21 The criteria are pretty important. First few
22 there are relatively straightforward and understandable. I
23 think the ones that I'd like to highlight though, or
24 explain, the nexus to the project operations and effects and
25 how the study results would inform those license conditions,

1 that's one that sometimes folks get hung up on. Basically,
2 we just need a study plan should demonstrate what that nexus
3 to the project is. It has to have some connection to the
4 project, its operations, any proposed measures, et cetera.

5 And then, study methodology should be described,
6 and any kind of consistent -- and it has to be referenced to
7 consistent with accepted practices of methodologies. And
8 then lastly, the level of effort and cost of study and why
9 an alternative study is needed. So just it needs to have
10 details in regards to effort, how much time, estimates of
11 cost, et cetera.

12 And then also I'd like to go back to the nexus
13 to project operations. It should also tell us how the study
14 would inform our licensing requirements. How would it
15 eventually -- what information would be gathered from that
16 study and which should form our eventual recommendations,
17 license requirements in the upcoming license.

18 Any questions on that? I know I went through it
19 really fast. Once again, July 29th. Please submit your
20 comments by that date. Various web resources to help you
21 keep track of what's going on. There's the licensing
22 website. Eagle Creek has their licensing website; it's
23 really nice. You can check in on them.

24 We have a ton of information on our own website
25 that allows you to download handbooks, whatnot. E-library

1 is where transcripts will be uploaded to and available in a
2 week or two for y'all to read through everything that was
3 said today or this morning. It is basically the public
4 record.

5 When we refer to the public record, that is the
6 eLibrary. That's where we get all of our documents from.
7 We're at work, sitting at our desks, eLibrary is the place
8 to go to look at anything that we issue, Eagle Creek
9 submits, resource agency submits, that's the place to find
10 it.

11 eSubscribe. A lot of y'all are on the mailing
12 list. You receive a ton of paperwork from us. If you want
13 to be on that mailing list, and you're already on it, great.
14 Stay on it. If you don't want to be on it, please let us
15 know. The instructions for that are in the scoping document
16 in Section 10.

17 eSubscribing, just want to pitch that. It's a
18 little bit less, maybe less hassle-free than getting a ton
19 of mail. You get an e-mail that tells you what was uploaded
20 to our public record and then it provides links for you to
21 download any of those documents that you might be interested
22 in looking at. It's a pretty handy thing. It's pretty easy
23 to get subscribed on there. Just go to our website. Ken?

24 MR. HOGAN: You may have received a paper copy
25 of the scoping document. This does not mean you're on the

1 mailing list. In Section 10 of the scoping document, there
2 is a table of the names of those folks who are on the
3 mailing list. If you want to be on the mailing list and
4 your name is not in that paper, follow the instructions in
5 Section 10 to become on the mailing list. If you're in that
6 paper and you don't want to be, follow the instructions in
7 that paper.

8 MR. EMMERING: So there's instructions that you
9 follow. Okay?

10 MR. WINEGRAD: The study development that you
11 showed before, is that in one of these documents here?

12 MR. EMMERING: Yes.

13 MR. WINEGRAD: Seven items?

14 MR. EMMERING: So that is in this document with
15 the maroon cover. So it goes through all that. It's the
16 whole thing. You got to read it all. [laughter] There'll be
17 a quiz at a later date. [laughter]

18 DR. ABRAMSON: One place to look at -- we talked
19 about levels up and down, but if you want to look at what's
20 happened in the streams with the fish and what the accounts
21 have been over the years and everything else, is that really
22 available? I mean I know that trout live here and
23 everything else, but we talk -- it's easy to measure the
24 water levels, and now you want to know, what effect has it
25 had on the fish?

1 I mean I'm also a fisherman. Who's responsible?
2 Is FERC? Or who's responsible for getting that data so that
3 at least when we talk [Simultaneous Discussion] about, we
4 need a certain amount of outcome and everything else, I
5 would imagine that a [Simultaneous Discussion] would at
6 least show what the counts are and what's happened with the
7 fish. I don't know. They might not be made available. I
8 don't know if it is or not. I just ask you to please look.

9 MR. EMMERING: You guys want to respond here?

10 MR. HOGAN: The resource agencies like the DEC
11 and the U.S. Fish and Wildlife may have that data. I'm
12 unaware of any specific studies that have been done --

13 DR. ABRAMSON: Right. I know they may have it,
14 but since we're talking about this site right here, I ask
15 the question of what the results are at this site. And it
16 may very well be, after all these years and hearing from
17 everybody, that we don't have any data. That's true and
18 it's a whole different [inaudible] because then, when you
19 talk about your [inaudible] 30, 50, 70, 90, it has to be
20 based on something. What's it's based on? I don't know.
21 Can I just ask the question?

22 MR. HOGAN: Well, I think that's part of why
23 we're here.

24 DR. ABRAMSON: Well, that's why I asked the
25 question. To stipulate, hopefully, when I asked the

1 question and nobody here can give me an answer, that means
2 it's a good question.

3 MR. HOGAN: And part of our approach in the
4 licensing process is to identify information needs and then
5 [inaudible] requests, so it sounds like you have an idea for
6 a standard question. Certainly for sure New York DEC and
7 [inaudible] staff would also be coming with their own
8 statements.

9 Processes, we're going to -- those standard
10 questions come into the Commission when they get filed.
11 Eagle Crest is going to be looking at those [inaudible]
12 requests and then figuring out what the volume of
13 information is, the existing information, to address those
14 answers. Ideally, they want to avoid having to do a site
15 visit, that's expensive. So if they can identify the
16 existing information to address the questions that
17 everybody's raising, that's a better approach, a more
18 cost-effective approach.

19 Eagle Crest would then develop a proposed study
20 plan for your studies for the information that they couldn't
21 get. And they will provide the information that they were
22 able to finally address the questions being asked. So
23 that's a proposed site plan and then that becomes available
24 to everybody to comment and review, read it [inaudible] that
25 were given and you're not going to like the answers, and

1 then there's a, what we call a formal procedure, a solution
2 process over the study plan.

3 And it's a 90-day period where we give and take,
4 there's a meeting on the fourth study plan. There could be
5 several needs, depending on what the need is, and following
6 that, doing a revised study plan. Once they have a revised
7 study plan, that should really represent the negotiations
8 that took place over the proposed study plan.

9 And if there's any remaining disputes that
10 certain entities feel that they're -- certain [inaudible]
11 believe that there are -- let me rephrase that. Any entity
12 that believes that there's information that needs to be
13 gathered that Eagle Crest does not believe that needs to be
14 gathered, the Commission will weigh in on and make a
15 decision, called a site plan determination, as to whether or
16 not that information is needed or isn't needed, or some
17 modification in between.

18 So that's how the study plan requests that you
19 submit to the -- you asked to develop are utilized and then
20 formalized due process. And then ultimately you get to a
21 study plan that [inaudible] and will fill in the data gaps,
22 so it's kind of two-fold. You're gonna develop a, kind of
23 input of all the existing information and answer the
24 questions that need to be answered. Whatever they can't
25 find for existing information, they will generate that

1 information [inaudible].

2 MRS. GOLDFARB: So who has to do those seven
3 easy steps? This gentleman?

4 MR. EMMERING: Those criteria --

5 MRS. GOLDFARB: For Eagle Creek or --

6 MR. EMMERING: Everybody. It may look like a
7 lot. It's really not. We don't expect [inaudible] public
8 to know what the scientific method that should be
9 [inaudible] should be. It's enough to say, hey, do this in
10 a [inaudible] style manner, and that allows [inaudible] to
11 protect their method.

12 If they think that's appropriate, to pick a
13 method that they want. If you have a specific method that
14 you think should be in there, and have researched and
15 figured out exactly what you want, by all means, specify
16 certain scientific methodology. But we certainly don't
17 expect members of the public to be, you know, as for our
18 [inaudible] survey or [inaudible] so --

19 MR. GOLDFARB: Quinn, can you repeat your phone
20 number?

21 MR. EMMERING: Oh, it is right here. And I can
22 give you a card as well. Got lots of them.

23 MRS. GOLDFARB: How long is the license good
24 for? Another thirty years?

25 MR. EMMERING: Thirty to fifty years.

1 MRS. GOLDFARB: Oh, thirty to fifty?

2 MR. EMMERING: Right.

3 MRS. GOLDFARB: That's determined --

4 MR. EMMERING: We will determine that --

5 MR. GOLDFARB: I'm not going to be around.

6 [laughter]

7 MR. EMMERING: We will determine that further
8 down the road in our environmental analysis. But typically
9 thirty to fifty years. So, and if you have issues, fish
10 issues, things that you're concerned about and want to think
11 about it more, obviously submit written comments and let us
12 know further, you know -- what's that? Oh, here. So you
13 don't have to -- anybody else? So, by all means, if there's
14 things -- Please feel free to submit something by July
15 29th. Other than that, does anybody have any last
16 questions? All right. Thank you.

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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: Rio Hydroelectric Project,
7 Mongaup Falls Hydroelectric Project, and Swinging Bridge
8 Hydroelectric Project

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16 Docket No.: P-9690-112; P-10481-067; P-10482-117

17 Place: Monticello, NY

18 Date: Thursday, June 22, 2017

19 were held as herein appears, and that this is the original
20 transcript thereof for the file of the Federal Energy
21 Regulatory Commission, and is a full correct transcription
22 of the proceedings.

23

24

Bruce Morgan

25

Official Reporter