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December 17, 2012

Jeff C. Wright, Director  
Office of Energy Projects  
Federal Energy Regulatory Commission  
888 First Street, NE  
Washington, DC 20426

Dear Mr. Wright:

It has come to our attention that Exelon Corp. filed an application with the Federal Energy Regulatory Commission (FERC) on August 31, 2012 for a new license to operate the Conowingo Hydroelectric Project located on the Susquehanna River in Maryland and Pennsylvania (P-405.) We are deeply concerned that this application fails to address options to manage, mitigate or remove the massive amount of sediment accumulated behind the dam or establish benchmarks for potential impacts and actions, as requested by the State of Maryland and required by the FERC in the approved study plan and the Director's letter of February 10, 2010.

The Citizens Advisory Committee (CAC) to the Chesapeake Executive Council is a group of 29 citizen volunteers from all walks of life and experiences, appointed by the Governors of Virginia, Maryland, Pennsylvania, the Mayor of the District of Columbia and by the Board of Directors of the Alliance for the Chesapeake Bay. Our mission is to provide a non-governmental voice and advice on Chesapeake Bay restoration policies and programs.

For many years we have advised the Executive Council of our continuing concerns about the massive build-up of sediment behind the Conowingo Dam and the serious impacts that scouring of that sediment -- and the nitrogen and phosphorus attached to that sediment -- during major storms has on the water quality and living resources of the Chesapeake Bay. According to a US Geological Survey report released on August 30, 2012 -- the day before Exelon filed its application with FERC -- the Conowingo is rapidly nearing capacity in its ability to trap sediment and the consequence is that "large storms are already delivering increasingly more suspended sediment and nutrients to the Bay." While recent Super-storm Sandy apparently did not cause significant scouring of sediment from the Conowingo as did Hurricanes Agnes, Irene and Tropical Storm Lee, it underscored the very real, current and future threat that the Conowingo's accumulated sediment poses to the Susquehanna, Chesapeake Bay and our restoration efforts.

At our quarterly meeting at the Conowingo Visitors Center on November 29, 2012, we learned that:

- Studies on sediment conducted by Exelon's consultants and submitted to FERC in the Final License Application used an inappropriate model which under-estimates scouring impacts, according to the USGS.
- The application does not address options to manage, mitigate or remove the massive amount of sediment accumulated behind the dam *or* establish benchmarks for potential impacts and actions, as requested by the State of Maryland and required by the FERC in the approved study plan and the Director's letter of February 10, 2010. Instead, its sediment management plan calls for best management practices (BMPs) to control sediment introduced from *Project lands* and identifies benchmarks and thresholds for action to address sediment issues that *may affect Project operations*, not the downstream impacts on the water quality and living resources of the lower Susquehanna River and Chesapeake Bay.
- The U.S. Army Corps of Engineers' Lower Susquehanna Watershed Assessment, which is evaluating measures to maintain or increase Conowingo Dam sediment storage capacity and to reduce sediment and nutrient transport from Conowingo Dam into Chesapeake Bay during river high flow events, is not expected to be completed until September 2014 – late in the FERC relicensing process -- and will not lead directly to a project to manage, mitigate or remove the accumulated sediment.

Without including options for managing, mitigating or removing the sediment which has built up behind the Conowingo Dam over the past 84 years *or* establishing triggers for potential impacts and actions, it is not possible to adequately assess how an extension of Exelon's license by FERC to operate the project will protect, mitigate, or enhance environmental quality of the Susquehanna River and Chesapeake Bay now and in the future as required under the National Environmental Policy Act (NEPA) and the Federal Power Act (FPA.)

We urge you to ensure that the final license or settlement agreement approved by the Federal Energy Regulatory Commission (FERC) includes plans to manage, mitigate or remove the massive amount of sediment accumulated behind the dam *or* establish clear benchmarks for potential impacts and actions, as originally required by the FERC in the approved study plan. We also urge that a full Environmental Impact Statement (EIS) be undertaken which includes an analysis of the full range of reasonable alternatives and environmental mitigation measures for addressing the sediment problem, so that FERC and stakeholders alike can adequately and fairly evaluate the full impacts of the proposed Conowingo Dam relicensing.

Your attention to this matter is greatly appreciated.

Sincerely,

A handwritten signature in black ink that reads "John Dawes". The signature is written in a cursive style with a large initial "J" and "D".

John Dawes  
Chair, Citizens Advisory Committee

cc: Jeff Corbin, Senior Advisor on Chesapeake Bay and Anacostia River, EPA  
Nick DiPasquale, Director, Chesapeake Bay Program, EPA  
Jim Edward, Deputy Director, Chesapeake Bay Program, EPA  
Shawn Garvin, Region III Administrator, EPA  
John Griffin, Secretary, Maryland Department of Natural Resources  
Michael Krancer, Secretary, Pennsylvania Department of Environmental Protection  
Robert Summers, Secretary, Maryland Department of the Environment