

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426
December 12, 2008

OFFICE OF ENERGY PROJECTS

Project Nos. 1175-013 and 1290-011 –
West Virginia
London/Marmet Hydroelectric Project
and Winfield Hydroelectric Project
Appalachian Power Company

Teresa P. Rogers, Process Supervisor I
Appalachian Power Company
P.O. Box 2021
Roanoke, VA 24022

Reference: Study Requests, Comments on Preliminary Study Plan, and Requests for Additional Information

Dear Ms. Rogers:

We have reviewed the London/Marmet and Winfield Hydroelectric Projects Pre-Application Document (PAD) and the transcripts of our scoping meeting on November 12, 2008, and have no additional study requests at this time. However, we do recommend that you consider our comments on two of your preliminary study plans (enclosed in Schedule A).

Based on our review of the PAD, we have determined that additional information is needed to adequately analyze the projects' potential project-related impacts on environmental resources. By copy of this letter, we request that you file this additional information, enclosed in Schedule B, with your proposed study plan due on January 26, 2009.

Please include in your proposed study plan a master schedule that includes the estimated start and completion date of all field studies, when progress reports will be filed, who will receive the reports and in what format, and the filing date of the initial study report. All studies, including field work, should be initiated and completed during the first study season, and the study reports should be filed as a complete package to avoid piecemeal review. Finally, based on the study results, if you are likely to propose any plans for measures to mitigate project impacts, drafts of those plans should be filed with your Preliminary Licensing Proposal (or draft application).

Please note that we may, upon receipt and review of scoping comments/study requests from other entities due December 12, 2008, as well as your proposed study plan due January 26, 2009, request additional studies or information at a later time.

If you have any questions, please contact Kim Carter at (202) 502-6486, or via email at Kim.Carter@ferc.gov.

Sincerely,

Mark Pawlowski, Chief
Hydro East Branch 2

Enclosures: Schedule A
Schedule B

cc: Mailing List
Public File

Schedule A
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Schedule A

Comments on Preliminary Study Plan

Based on our review of your preliminary study plans, filed August 14, 2008, we request the following modifications. Please address our requests in your proposed study plan due for filing with the Commission on January 26, 2009.

Cultural Resources Study

The West Virginia State Historic Preservation Officer (West Virginia SHPO) stated that the London/Marmet and Winfield projects (Projects) are eligible for the National Register of Historic Places (National Register or historic properties) and that other historic properties may be present in the general vicinity of the Projects. The West Virginia SHPO also stated that architectural and archaeological studies may be needed to identify historic properties, given that a significant number of archaeological sites are located upstream and downstream of the Projects and that the Projects are historic properties. You propose to consult with the West Virginia SHPO to prepare a Historic Properties Management Plan (HPMP) for the Projects, but do not propose to conduct any historic or archaeological surveys.

If any properties eligible for or listed on the National Register are adversely affected by project operations, we recommend that a HPMP be developed and filed with the Projects' license applications. The HPMP would contain principal and procedures to avoid, lessen, or mitigate any adverse effects on historic properties. However, if historic properties are not adversely affected, then a HPMP is not necessary. Therefore, prior to developing the HPMP, a cultural resources assessment is needed to determine what historic properties are present, and if they are being adversely affected.

Your proposed cultural resources study, which should be done after consultation with the West Virginia SHPO, federally-recognized Indian tribes who have an active interest in the Projects, the U.S. Army Corps of Engineers (Corps), and interested parties, should include at a minimum the following:

- a. Define the area of potential effect (APE)¹ for the Projects;
- b. The results of the literature search conducted after the West Virginia SHPO's letter dated May 16, 2008;
- c. Identify locations that have the potential to contain archaeological resources. An archaeological survey would be needed if there is a potential for such resources in

¹ The APE is defined as the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties. The APE includes all lands affected by project operations, which means the APE could extend beyond the project boundary.

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the APE;²

- d. Evaluate the National Register eligibility of project facilities and other archaeological or historic resources within the APE. Provide a copy of the draft National Register forms for the London, Marmet, and Winfield lock and dam systems; and
- e. Evaluate the potential adverse effects that proposed project operations may have on any historic properties within the APE. If you determine that the proposed project operations would not have an adverse effect on historic properties, the West Virginia SHPO's concurrence on such findings is required.

If historic properties are adversely affected by proposed project operations, the proposed HPMP needs to be developed after consultation with the West Virginia SHPO, the federally-recognized Indian tribes who have an active interest in the Projects, U.S. Army Corps of Engineers (Corps), and interested parties, and must, at a minimum, include the following:

- a. completion, if necessary, of the identification of historic properties, within the Projects' APE;
- b. continued use and maintenance of historic properties;
- c. maintenance and operation of the Projects, according to the Secretary of Interior's "Standards for the Treatment of Historic Properties" (36 C.F.R. Part 68), and applicable National Park Service Preservation Briefs;³
- d. treatment of historic properties threatened by project-induced shoreline erosion,⁴ other project-related ground-disturbing activities, and vandalism;
- e. identification and evaluation of historic properties, determination of effects, and ways to avoid, minimize or mitigate adverse effects;
- f. consideration and implementation of appropriate treatment that would minimize or mitigate unavoidable adverse effects on historic properties;
- g. treatment and disposition of any human remains that may be discovered, taking into account any applicable state laws and the Advisory Council on Historic Preservation's "Policy Statement Regarding Treatment of Human Remains and Grave Goods" (September 27, 1988, Gallup, NM);
- h. discovery of previously unidentified properties during project operations;
- i. public interpretation of the historic and archaeological values of the Projects;

² If the areas within the APE have been previously disturbed, please inform the consulting parties.

³ This portion of the HPMP is necessary if the Project(s) are determined to be eligible for the National Register and would be adversely affected by proposed project operations.

⁴ Project-induced shoreline erosion does not include shoreline erosion attributable to flood flows or phenomena, such as wind driven wave action, erodible soils, and loss of vegetation due to natural causes.

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- j. list of activities (i.e., routine repair, maintenance, and replacement in kind at the Projects) not requiring consultation with West Virginia SHPO; since these activities would have little or no potential to affect historic properties;
- k. procedures to address effects during project emergencies; and
- l. coordination with the West Virginia SHPO, the federally-recognized Indian tribes who have an active interest in the Projects, the Corps, and any other identified parties during implementation of the HPMP.

Recreation Study

As stated in section 4.2, *Potential Studies*, you propose to consult with the West Virginia Division of Natural Resources (West Virginia DNR) to determine the need for additional recreation enhancements at the projects' tailrace fishing facilities. To ensure that the existing and any proposed recreation facilities are operated and maintained throughout the term of any license issued, you should include a draft recreation management plan with your Preliminary Licensing Proposal (or draft license application). The recreation management plan should be prepared in consultation with the Corp and the West Virginia DNR, and should include, at a minimum:

- a. A description of the existing and any proposed recreation facilities,⁵ including who would own, operate, and maintain the facilities through the term of any license issued;
- b. A discussion of the hours of operation;
- c. A description of the location of the existing and any proposed recreation facilities in relation to the existing project boundary. Also, please identify, if applicable, whether a recreation facility is partially inside and partially outside the existing project boundary, and please describe which features at the facility are inside the project boundary and which project features are outside the project boundary;
- d. A map that illustrates the recreational facilities within the projects' boundaries (18 CFR §5.6(d)(3)(viii)(A)), and any proposed recreational facilities outside of the existing project boundaries;⁶ and
- e. Any plans for monitoring use of the projects' recreation facilities.

⁵ If any new facilities are proposed, please include the appropriate conceptual drawings and implementation schedule.

⁶ Both the existing and proposed recreation facilities can be shown on the Exhibit G maps, but must be clearly labeled as such.

Schedule B

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Schedule B Additional Information

In Schedule B, we make specific comments and information requests based on our review of the data presented in your PAD and our observations during the project scoping meetings and site visit. Responses to the following comments should be filed along with your proposed study plan on January 26, 2009.

Recreation Resources

1. In sections 3.8.3, *Recreational Use and Capacity*, and 4.2, *Potential Studies*, you state that you are currently collecting recreation usage data to comply with the requirements for filing the FERC Form 80, and intend to use this data for your recreation needs study. However, you do not state which methodology you are using to collect this data. Please describe, in detail, the methodology used to collect the data. Also, please describe the capacity (in percent) of the facilities.

If the collected data is estimated, an additional recreation assessment study, conducted after consultation with the West Virginia Department of Natural Resources (West Virginia DNR), may be necessary. Estimated data is the least reliable of five types of methodology used when collecting data for the FERC Form 80, and since the Corps' recreation counts do not provide an accurate recreation usage data at the projects' fishing facilities and access areas, (personal conversation between Ellen Hall, Louis Berger Group and Mark Benson, Corps), a more reliable method would be needed to accurately determine the recreation usage at the facilities.

2. The West Virginia DNR recommends that restrooms and fish cleaning stations be provided at the three fishing platforms associated with the projects. To help us determine the need for such facilities, please provide the following information for each project:

- a. The number of existing public restrooms, if any, and the distance from the fishing platforms to the public restrooms;
- b. The number of existing public fish cleaning stations, if any, and the distance from the fishing platforms to the stations;
- c. Any evidence of fish being cleaned at the fishing platforms, and if so, is the refuse being properly disposed; and
- d. The projected usage of the West Virginia DNR-recommended public fish cleaning stations.

3. The West Virginia DNR is concerned about the effectiveness of the alternative angler access at the London development, since the auto/pedestrian bridge, which provided access to the fishing platform and parking area, has been closed due its deteriorated condition. In section 3.8.11, *Protection, Mitigation, and Enhancement*

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Measures, you indicate that you are working with the railroad company on a design for a new bridge. To help us determine the effectiveness of the alternative access and the need for a new bridge, please provide the following information:

- a. Is signage available directing recreationists to the alternative access road;
- b. Has the closure of the bridge affected the number of recreationists using the facilities? If so, please provide an estimate of the change in the number of visits to the facilities, in recreation days,⁷ for the annual total and peak weekend averages;⁸
- c. Is the auto/pedestrian bridge within the project boundary⁹ and did the bridge serve any other purpose besides providing access to the recreation facilities in the tailrace;
- d. Discuss the potential effects that construction of a new auto/pedestrian bridge may have on various environmental resources, including cultural and terrestrial; and
- e. A schedule for construction of the bridge, the costs associated with it, and a description of whether the new bridge would be located within or outside the project boundary.

Primary Transmission Lines

4. In sections 2.3.1, *Existing Facilities*, you describe the transmission lines for the projects. At the London development, you list two 0.38-mile-long, 46 kilovolt (kV) lines that terminate at the London switching station. At the Marmet development, you list two 0.78-mile-long, 46 kV lines that terminate at the Belle switching station. For the Winfield development, you describe two separate transmission lines: a 3.7-mile-long, 69 kV line that extends to the Bancroft switching station and a 5.7-mile-long, 69 kV line that extends to the Teays switching station. However, according to our license order issued September 26, 1983, the Winfield Project is described as containing two 0.38-mile-long, 69 kV transmission lines.

As defined by the Commission, a primary transmission line is a line that is used solely to transmit power from a hydroelectric powerhouse to a load center or to an interconnection point in a regional power grid. In performing our analysis we rely on the

⁷ A recreation day is defined as each visit by a person to a development for recreational purposes during any portion of a 24-hour period.

⁸ Peak use weekend is defined as weekends when recreational use is at its peak for the season (July 4th weekend and other holiday weekends). On these weekends, recreational use may exceed the capacity of the area to handle such use.

⁹ If the bridge is partially inside and partially outside the existing project boundary, please describe which features of the facility are inside the project boundary and which project features are outside the project boundary.

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fact that without a primary transmission line, there would be no way to transmit the project's power to market.

In order for us to accurately analyze the primary transmission lines for each of the developments, please provide the lengths and voltages of each line that carries power from the project to a substation or grid connection point, the substation or interconnection point name, and the details as to who owns/operates/maintains each substation or interconnection point (i.e., American Electric Power or Appalachian Power Company). In addition, please describe whether the substation or switchyard serves as a multi-use structure (i.e., other power being moved through the structure) or if the substation or switchyard exists solely to transmit the power from the hydroelectric facility to the grid or end-users. Also, please show and label the primary transmission line(s) for each development on the Exhibit G drawings.

5. In Volume II of the PAD, you provided one line diagrams for each of the developments. Each of the one line diagrams clearly detail power transfer within the individual projects. However we need to see what happens to the power once it leaves the development. Please provide a one line diagram for each of the developments that shows the transfer of electricity from development to the grid or point of use. You should label the switching stations or substations.

Terrestrial Resources

6. In section 2.3.1 of the PAD, you describe the transmission lines associated with the facilities for the Winfield and London/Marmet projects. However, you do not provide any information regarding (a) wildlife and botanical species occurring under, and near, the primary transmission lines, and (b) the methods, if any, of maintaining these transmission lines and their rights-of-way. Therefore, please describe the plant communities and associated wildlife species occurring under, and near, the transmission lines, and describe your current and future methods, if any, for maintaining the transmission lines and their rights-of-way. We request this information to evaluate potential effects of continued operation and maintenance of the project on wildlife and botanical species occurring in, and near, the transmission line rights-of-way.

7. In section 3.5.3 of the PAD, you cite an e-mail communication from B. Sargent, West Virginia DNR, Elkins, West Virginia to F. Winchell, Louis Berger Group, Needham, Massachusetts, describing ponds in the area of the Winfield Project as important stopover points for migratory birds. Therefore, please clarify whether any ponds occur within the project boundaries, including those that may exist under or near the transmission lines for the three projects. You should provide a copy of the aforementioned e-mail to document the communication.

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8. In section 3.6.1, you describe the absence of wetlands within project boundaries of the Winfield and London/Marmet projects, and cite the National Wetland Inventory as your source of information. However, you do not describe the presence or absence of wetlands under, or near, the transmission lines and their rights-of-way for any of the developments. Therefore, please provide maps (see 18 CFR §5.6(d)(3)(vi)(B)), locations, and written descriptions of any wetland that may exist within the projects' boundaries, including any that are under or near the transmission lines and their rights-of-ways for the projects.

Rare, Threatened, and Endangered Species

9. In note c, which footnotes listing No. 3 of Table 3.4.3, section 3.4.2, and sections 3.7.1 and 3.7.2 of the PAD, you reference an e-mail communication sent from B. Sargent, West Virginia DNR, Elkins, West Virginia to F. Winchell, Louis Berger Group, Needham, Massachusetts, sent on April 21, 2008, but you did not include documentation of this email communication in section 6.0. Therefore, please provide us with a copy of the e-mail.

10. In section 3.7.1 of the PAD, you state that Lyle Bennett, West Virginia Department of Environmental Protection (West Virginia DEP), may have relevant information concerning rare, threatened, and endangered (RTE) species that you would have acquired during your visit to his office on June 19, 2008. In section 6.0, pages 6-38 and 6-39, you provide documentation of your visit to Lyle Bennett's office on June 18, 2008, and describe the information discussed during the visit. However, you do not indicate anywhere in the PAD whether Mr. Bennett provided you any information concerning RTE species. Therefore, please describe what information, if any, Mr. Bennett provided concerning RTE species in response to your request.

11. In section 3.7.1 of the PAD, you reference the 1981 applications for both the London/Marmet and Winfield projects as sources of information for descriptions of RTE species. This information is dated. However, if you plan to use any of this information in the current licensing process, you should reference that information directly, as opposed to referencing information from previous application. You should provide all available and pertinent information from historical documents, where it concerns RTE species, in any documents and/or reports submitted for your current application process.

12. In section 4.1 of the PAD, you include federally listed mussel species on your list of preliminary resource issues. However, there is no mention of any potential study of federally listed mussels in section 4.2. In section 4.1, you provide limited information about the occurrence and potential occurrence of the fanshell and pink mucket pearly mussels, respectively, in the Marmet pool. You also reference Table 3.4-3, section 3.4.1, which provides the results of a survey conducted by EnviroScience, between river miles 77.8 and 78.7. Because you do not include any pertinent details or summaries of the

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studies, the evidence you provide lacks the necessary information to exclude a potential study of federally listed mussel species from your list in section 4.2.

In order to consider the evidence that you present in the PAD, and to ascertain the need for a potential study of mussels, please provide: (a) details concerning the occurrence or potential occurrence of the fanshell and pink mucket pearly mussels, respectively, in the Marmet pool, that you referenced in section 4.1; (b) the study report for the survey conducted by EnviroScience, 2002, which you referenced in section 4.1; (c) the report for the survey conducted by EnviroScience and Nutting, 2006, which you reference in section 3.4.1; (d) details for the old and unverified record of the tubercled-blossom pearly mussel referenced in section 3.7.2; and (e) any records of your communications with state or federal agencies regarding RTE species, including the summaries and information outlined above.

13. Please provide summaries of any existing studies completed by state and federal resource agencies. We need this information to determine whether a study of federally listed mussels will be necessary. This information should include: (a) which agency conducted the study; (b) the study plan, if available; (c) study goals and objectives; (d) summaries of study results, including any information regarding RTE species; and (e) copies of your written communications with resource agencies.

14. In section 3.7.2 of the PAD, you indicate that only one federally listed plant is known to occur in Fayette County, West Virginia (i.e., running buffalo clover, *Trifolium stoloniferum*). You cite the U.S. Fish and Wildlife Service's (FWS) website as your source of information. We viewed the FWS website and noticed that there are two federally listed plants occurring in Fayette County, West Virginia (i.e., running buffalo clover; Virginia spiraea, *Spiraea virginiana*). Please explain why you only list one.

15. In the PAD, you do not describe any potential effects associated with the continued operation and maintenance of the projects, including the transmission lines, on terrestrial resources, particularly federally listed bats and plants. You exclude such effects from your list of preliminary resource issues in section 4.1, as well as your list of potential studies in section 4.2. However, you do not provide any evidence to substantiate these exclusions.

Please provide any evidence to substantiate the exclusion of this issue. The evidence should be sufficient to ascertain the need for a potential study of the continued operation and maintenance of the projects, including transmission lines, on terrestrial resources, particularly federally listed bats and plants. You should consult with the Corp, the FWS, and the West Virginia DNR to obtain any available information and summaries from existing studies of federally listed bats and plants occurring in, or near, the Winfield and London/Marmet projects, including associated transmission lines and their rights-of-way. Specific to bats, you should investigate known occurrences, as well as any new or

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unpublished data, indicating potential occurrences of hibernacula near the transmission lines and their rights-of-ways, as well as habitat use in, or near, the transmission lines and their rights-of-way. Please provide records of your communications with the resource agencies.

Project Facilities

16. In order for us to adequately assess your existing facilities and evaluate the potential for entrainment and impingement effects at each of the developments, please provide a detailed description of your existing trashracks, including:

- a. drawings that show (i) the dimensions of the trashrack structures, (ii) the clear spacing between the trashrack bars, and (iii) the angle of the trashracks, if any, to the flow of the river; and
- b. an estimate of water velocities directly upstream of the intake structures and trashracks, assuming the projects operate at full capacity.

Project Operation

17. Although you do not currently propose to change project operations for the London development, you indicate in section 4.2 of the PAD that once the operational report is complete, you would decide whether to retain the 3-foot drawdown in the new license. According to the existing license, the 3-foot drawdown was implemented to protect spawning habitat of several fish species. If this drawdown is no longer maintained, please explain how it would affect spawning, shoreline erosion, and the average annual generation.

Document Content(s)

P-1175-013Letter.DOC.....1-11