



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

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November 12, 2009

Ms. Kimberly D. Bose
Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

RE: Appalachian Power Company, Project No. 739-022, Claytor Project
RECOMMENDATIONS: Virginia DEQ Recommendations for Draft Freshwater Mussel
Adaptive Monitoring Plan

Dear Ms. Bose:

The Virginia Department of Environmental Quality (DEQ) has reviewed the June 2009 Draft Management Plans for the above-referenced facility as part of the application review process for issuance of a Virginia Water Protection (VWP) Permit, which serves as the Commonwealth's Section 401 Water Quality Certificate. DEQ appreciates the opportunity to participate in the development of the licensing proposal and offers the following comments regarding the June 2009 Draft Freshwater Mussel Adaptive Monitoring Plan.

The Virginia Water Protection (VWP) Permit Program has recently concluded its solicitation for comments from several Virginia natural resource agencies on the submitted Joint Permit Application No. 09-0982, in accordance with our permit program regulation and the State Water Control Law. We received comments from the Virginia Departments of Game and Inland Fisheries, Conservation and Recreation, and Health, as well as the Virginia Marine Resources Commission. Based on those comments, we have concerns regarding the project's potential impact on water temperature and dissolved oxygen levels in the New River, particularly below the project dam.

DEQ must balance instream and offstream beneficial uses and fully consider comments provided by state resource agencies when developing conditions in any VWP individual permit that may be issued. We note that the Virginia Department of Game and Inland Fisheries (DGIF) in particular has concerns about the June 2009 Draft Freshwater Mussel Adaptive Monitoring Plan, submitted as part of the applicant's FERC licensing process, regarding temperature and dissolved

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oxygen effects on downstream mussel populations. We can reasonably expect that the project has a potential to affect downstream dissolved oxygen levels based on the information submitted to DEQ to date, particularly the proposal to add oxygen to the release water during low flow periods on the New River using the existing deicing bubbler system, or modification(s) thereof. We can also reasonably expect that the project has a potential to affect temperature. We recommend that the mussel monitoring plan incorporate monitoring both temperature and dissolved oxygen in the locations that are determined to be the mussel monitoring sites, in addition to attempting to correlate other data gathered for other purposes, such as the proposed water quality monitoring plan. An acceptable management and/or mitigation plan for the identified threatened and endangered mussel species will likely be a requirement of any VWP permit that may be issued, and therefore, we encourage Appalachian Power to consider the DGIF comments regarding the draft mussel monitoring plan.

If you have any questions regarding DEQ's comments, please contact Mr. David Davis, Office of Wetlands and Water Protection at 804.698.4105 or david.davis@deq.virginia.gov.

Sincerely,



Brenda K. Winn
VWP Water Withdrawal Project Manager
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cc: Teresa Rogers, Appalachian Power Company

Document Content(s)

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