

CULTURAL RESOURCES

REVISED STUDY PLAN

Claytor Project

Application for New License

FERC Project No. 739-018

October 2006

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1. Introduction

Appalachian Power Company (Appalachian) is making application to the Federal Energy Regulatory Commission (Commission) for a new license for the Claytor Hydroelectric Project (No. 739), located on the New River in southwestern Virginia. The process selected by Appalachian for applying for a new license is the Integrated Licensing Process (ILP), as defined under the rules and regulations of the Commission (18 CFR Part 5). As part of this licensing process, Appalachian solicited input from stakeholder meetings, including governmental agencies and non-governmental organizations, to identify potential project-related issues needing to be addressed during the licensing process.

Appalachian prepared a Pre-Application Document (PAD) (Appalachian, 2006) that listed issues identified to date, which was submitted on January 6, 2006 to the stakeholders for review and comment. In that document, Appalachian presented available information addressing each identified relicensing issue, and also presented its position regarding issues needing further study. Study plans have been prepared to address issues needing further study. The proposed study plans were filed with the Commission on June 14, 2006. Initial study plan meetings were held on July 19 and 20, 2006 to discuss the proposed study plans. The following study plan addresses the issues pertaining to cultural resources within the Project. The goal of the Cultural Resources Study is to determine the effects of project operation and any potential enhancement measures on archeological and historic resources at the Claytor Project.

2. Background

The Claytor Project is an existing conventional hydroelectric project located on the New River in Pulaski County, Virginia. The Claytor Project has four generating units, with a combined generating capacity of 75 megawatts (MW). The Claytor dam has a maximum height of 137 feet above the streambed. Claytor Lake, the project reservoir, has a surface area of 4,472 acres at the normal full pond elevation of 1,846.0 feet (NGVD) and approximately 100 miles of shoreline.

The Claytor Project is operated on a weekly peaking cycle from October 16 to April 14 with typical reservoir fluctuations of about 1 foot daily and about 2 feet weekly, and is operated to provide a minimum average daily flow below the dam of 750 cubic feet per second (cfs). During April 15 through June 15 the Project is operated to maintain reservoir elevations at or above 1844 feet to protect spawning habitat for shallow-water, shoreline spawning fishes. Also, during the recreation season (April 15 to October 15), Appalachian voluntarily operates the Project to maintain more constant downstream flows to enhance downstream recreation opportunities, peaking operations are more limited, and the reservoir elevation is typically maintained between 1845 and 1846 feet. In the fall/winter period the reservoir is typically drawn down about 5 feet for about 2 weeks to allow for maintenance repairs of docks, bulkheads, and boat ramps.

Information from the site files at the Virginia Department of Historic Resources/State Historic Preservation Office (SHPO or VDHR) indicates that five architectural resources and seven archaeological sites are located within or directly adjacent to the project boundary. Only two of the known sites have been assessed to determine their eligibility for inclusion in the National Register of Historic Places (National Register). The Claytor dam is included as an architectural resource that has not been assessed. Cultural artifacts were discovered during construction of the Claytor dam (1939), and were removed from the project at that time. Of the previously recorded resources located within the Project boundary, only the Haven Howe House has been determined eligible for inclusion in the National Register. The Haven Howe House was determined eligible in 1999 and was placed on the Virginia Landmarks Register at the same time (Appalachian, 2006).

Due to the sensitive nature of that information, specifics regarding the seven archaeological sites are not discussed as part of this study plan. Information regarding those sites has been provided to the Commission, the SHPO as well as the Virginia Council of Indians and Eastern Band of Cherokee Indians as part of Appalachian's Pre-Application Document (PAD) for the relicensing of the Claytor Project filed on January 6, 2006 with the Commission. Specifically, the information was provided in a separate document titled "Appalachian Power Company, Claytor Project No. 739, Application for New License, Volume V – Privileged Information." That information is not available to the public but is available through the proper processes to those directly associated with the protection and administration of law affecting those resources.

The resource management goals of the SHPO, Eastern Band of Cherokee Indians and Virginia Council on Indians (VCI) are the identification and protection of cultural resources that can potentially be impacted by the operation of the Claytor Project along with other activities directly related to that project.

3. Study Objectives

Following are the key objectives associated with the Cultural Resources Study:

1. Determine the Area of Potential Effects (APE).
2. Identify previously recorded cultural resources in the VDHR site files that are within the APE and develop a relational database of the cultural resources.
3. Identify locations that have the potential to contain archaeological resources.
4. Locate archeological sites that may exist in areas exhibiting effects from project operation and in areas where ground-disturbing enhancements are proposed.
5. Assess the National Register eligibility of project facilities and other historic resources within the APE, including considering whether they may contribute to a larger district.
6. Evaluate the potential for effects on historic and archaeological resources from operation of the project or from project-related enhancements.

7. Develop a Historic Properties Management Plan (HPMP) specifying how historic properties within the APE would be managed over the term of a new license.

4. Relicensing Relevance

The Commission issued a request for additional information on cultural resources in Schedule A, which is attached to their letter of May 8, 2006. The additional information is necessary to ensure that the undertaking takes into consideration its effects on historic properties, as set forth in Section 106 of the National Historic Preservation Act and in its implementing regulations, 36CFR 800.

Section 106 of the National Historic Preservation Act requires that federal agencies, licensees, and those receiving federal assistance take into account the effect of proposed undertakings on historic properties eligible for, or included in, the National Register.

The proposed Cultural Resource Study will address measures to: determine the extent of the APE; identify historic properties in the APE; assess their eligibility for inclusion in the National Register; assess the potential Project-related effects on the identified historic properties; mitigate any adverse effects; and manage historic properties within the APE over the term of a new license.

5. Methods and Geographic Scope

The geographic limits for this study will be the APE for the Claytor Project. Prior to conducting the survey and report, Appalachian will consult with the SHPO, Eastern Band of Cherokee Indians and VCI regarding delineation of the APE. The extent of the APE is anticipated to include lands within the project boundary and lands at the weekly low impoundment level (approximately 1,844 feet NGVD, or 2 feet below normal impoundment level). The project boundary for Claytor Project generally follows the reservoir at the 1850-foot (NGVD) contour. In the vicinity of the project dam and powerhouse, additional land is incorporated into the project boundary, and in the tailwater area, the project boundary extends along the river banks about 2,000 feet downstream of Claytor Dam.

The Cultural Resource Study will incorporate an archeological and historic resource survey for lands within the APE, results of which will be presented in a Cultural Resources Report. The Cultural Resource Study will also include preparation of a HPMP. The study will be developed in consultation with the Virginia SHPO, and other interested parties and will include the following components:

A. Document Previously Recorded Cultural Resources

In consultation with the SHPO, Appalachian will develop a relational database consisting of all previously recorded architectural and archaeological cultural resources identified in the survey files of the SHPO. The relational database will include the following information on the previously recorded cultural resources in the SHPO site files, if

known: Site number, County, Resource type, Site name, UTM zone, UTM Northing, UTM Easting, USGS Quad, Cultural Era, Site type, Description, Integrity, National Register of Historic Places (National Register) eligibility status, and Comments. The location of the recorded cultural resources will be (1) overlain onto aerial maps of the Project and (2) incorporated into a GIS layer.

B. Identify Historic Properties

A Phase 1 cultural resource survey will be conducted within APE for areas considered as high probability as determined in consultation with the SHPO. If sites that appear to contain potentially significant information are located, a more intensive evaluation program will be developed in consultation with the SHPO to determine each site's eligibility for inclusion in the National Register. The survey shall be consistent with the Secretary of the Interior's *Standards and Guidelines for Archaeological Documentation* (48 FR 44734-37, September 29, 1983) and the Virginia Department of Historic Resources (VDHR) *Guidelines for Conducting Cultural Resource Survey in Virginia* (2000) (*Guidelines*). All archaeological work will be conducted by or under the direct supervision of a qualified archaeologist who meets, at a minimum, the qualifications set forth in the Secretary of the Interior's *Professional Qualifications Standards* (48 FR 44 738-9).

The historical resources survey will inventory and evaluate existing buildings and structures in the APE, specifically but not limited to project facilities. Surveyed resources will be recorded on VDHR's Data Sharing System forms in accordance with that agency's guidelines for evaluating surveys.

C. Develop a Historic Properties Management Plan

Appalachian will consult with SHPO, Eastern Band of Cherokee Indians, and the VCI to develop a Historic Properties Management Plan (HPMP) specifying how historic properties within the Project's APE will be managed during the term of the next license. Appalachian will consult Title 36 of the Code of Federal Regulations, Parts 660-66 and 800 and the Advisory Council on Historic Preservations' guidance regarding preparation of HPMPs for hydroelectric relicensing during the development of the HPMP. The HPMP will be developed by or under the direct supervision of a person or persons who meet, at a minimum, the professional qualifications standards for architectural history and archeology in the Secretary's Standards (48CFR 44738-39).

The HPMP will, at a minimum, include principles and procedures to address:

- a) Completion, if necessary, of identification of historic properties within the Project APE;
- b) A plan for protection of historic properties within the Project APE that may be affected by shoreline erosion, project operation, other project related ground disturbing activities, and vandalism;

- c) Mitigation of unavoidable adverse effects to historic properties;
- d) Treatment and disposition of any human remains that may be discovered, taking into account any state and federal laws and regulations;
- e) Discovery of previously unidentified historic properties during project operations;
- f) A plan for public interpretation of the historic and archaeological values of the project;
- g) Coordination with the SHPO, Eastern Band of Cherokee Indians and the VCI during development and implementation of the HPMP;
- h) A plan for curating archaeological materials and appropriate field and research notes, maps, drawings, and photographic records collected (with the exception of human skeletal remains and associated funerary objects) in accordance with the requirements of 36 CFR Part 79, *Curation of Federally Owned and Administered Archaeological Collections* and the *National Park Service Museum Handbook*.

Appalachian will submit the HPMP, along with the documentation of the views of the SHPO, Eastern Band of Cherokee Indians and the VCI, to the Commission for review and approval. If the SHPO has concurred and the Commission determines that the HPMP is adequate, the Commission will forward a copy of the HPMP to the Advisory Council on Historic Preservation (Council) for review. If the Council does not object to the HPMP, the Commission will execute a Programmatic Agreement with the SHPO and Council to implement the HPMP. The Commission would also include implementation of the HPMP as a condition of the license. If the council objects to the HPMP, the Commission will consult with the Council in an effort to reach agreement on the HPMP. If an agreement cannot be reached, the Commission will request that the Council comment as described below.

If the SHPO has not concurred with the HPMP, or the Commission finds that the HPMP is inadequate, the Commission will consult with Appalachian and the SHPO to seek agreement on the HPMP. If concurrence is not reached within 45 days, the Commission will request that the Council enter into consultation to seek agreement on the HPMP. If agreement is reached on the HPMP, the Commission will forward a copy of the revised HPMP to the Council for review. If agreement of the HPMP cannot be reached among the Commission, the SHPO, Appalachian, and the Council, the Commission or the SHPO will request that the Council still provide comments; or the Council may terminate consultation and comment *suasponte*. Appalachian will, on every anniversary of license issuance, file a report with the SHPO, Eastern Band of Cherokee Indians and the VCI of activities conducted under implementation of the HPMP.

6. Consultation, Analysis, and Reporting of Results

Appalachian will consult with the listed resource agencies in the development of the study plan and in the review of the preliminary study findings and final study report, as determined in consultation with VDHR. Periodic meetings with these stakeholders will be held as data becomes available. Data collected will be conveyed through update reports and at progress meetings. The data will be made available in printed form or electronically depending on the amount of data to be made available at any time, or the preferences of the stakeholders. A timetable for completing the cultural resource investigations is presented in the table below.

Table 1. Schedule for conducting the Cultural Resources Study for the Claytor Project relicensing.

Activity	Milestones
Pre-study meeting	January 2007
Begin documentation of existing cultural resources	February 2007
Initiate Phase 1 survey	April 2007
Study Plan Progress Update Meeting	May 2007
Submit Phase 1 Survey Report	October 2007
Initial Study Report to FERC	November, 2007
Initial Study Plan Meeting	15 days after Initial Study Report Filed
Develop HPMP	November 2007
Submit draft HPMP	April 2008
Receive comments on draft HPMP	May 2008
Submit revised /final HPMP	June 2008

7. Costs

The estimated cost for performing the Cultural Resources Study components identified in this plan is \$155,000. These costs include field studies and labor for both consultants and Appalachian.

8. References

Appalachian Power Company. 2006. Pre-Application Document, Claytor Hydroelectric Project, filed with the Federal Energy Regulatory Commission, January 2006.