

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, DC 20426
March 17, 2008

OFFICE OF ENERGY PROJECTS

Project No. 739-018 – Virginia
Claytor Project
Appalachian Power Company

Reference: Revision to process plan for Claytor Project

To the parties addressed:

Pursuant to section 5.15(c) of the Commission regulations, following an applicant's initial study report, meeting, and comment period, the Director of the Commission's Office of Energy Projects resolves any disagreements about proposed modifications to the approved study plan and amends the approved study plan as appropriate. As discussed below, a determination on proposals to modify the study plan for the Claytor Project is not appropriate at this time, due to the incomplete status of the studies. Rather, we are modifying the study plan schedule (process plan) as described below, to include a determination, if necessary, following the filing of a second study report, meeting, and comment period in May-June of 2008. We are also modifying the schedule so the final study report is filed at the conclusion of the 2008 study season when all studies are scheduled to be completed.

Background

Pursuant to the Commission-approved study plan and schedule provided for in section 5.13 or no later than one year after Commission approval of the study plan, whichever comes first, a potential applicant must prepare and file with the Commission an initial study report describing its overall progress in implementing the study plan and schedule and the data collected, including an explanation of any variance from the study plan and schedule. The report must also include any modifications to ongoing studies or new studies proposed by the potential applicant.

Appalachian Power Company (Appalachian) filed its Initial Study Report on November 14, 2007, held meetings on November 28 and 29, 2007, and filed a summary of the meetings on December 14, 2007. The initial study report included no proposed study plan modifications. Because individual study reports had not

been completed for any of the twelve approved studies, the initial study report was limited to a description of the season's activities and some preliminary data. As noted during the meeting and in the summary, several of the studies (cultural resources, aquatic resources, littoral habitat, and navigational aids) were not completed because they require a reservoir drawdown. The drawdown, however, which was scheduled for November 2007, was cancelled due to drought conditions. The drought also affected the ability to collect high flow data for the instream flow study and the fish entrainment and impingement study.

Appalachian noted during the meeting and in the summary that a drawdown will be scheduled for the second study season in 2008 so the required studies can still be completed. In addition, Appalachian intends to collect data for the instream flow needs study and fish entrainment and impingement study when the required flows are available in 2008.

Comments

Comments on the study report were filed by: the Virginia Department of Game and Inland Fisheries (VA Game & Fish); the Virginia Department of Environmental Quality (VA DEQ); Laura Bullard; and FERC staff. The majority of the comments are not requests for study plan modifications, but are recommendations for further discussion within study workgroups concerning the need for additional analysis and field work. VA Game & Fish notes that it is premature to suggest modifications and additional studies without first reviewing the study reports, and therefore requests an opportunity to provide additional comments once the study reports have been reviewed in the spring of 2008.

One comment constitutes a request for a study modification. Laura Bullard, in her letter filed January 15, 2008, requests that Appalachian conduct additional surveys of relevant stakeholders in order to gather input on their participation in and need for annual drawdowns for the maintenance and protection of shoreline properties. This issue, however, is already being addressed by the erosion and recreation studies and will be discussed in the spring study reports, so no modification of the study plan is needed at this time.

Schedule Modification

Appalachian filed responses to the comments and a proposed revised study schedule on February 15, 2008. According to its proposed revised schedule, Appalachian will complete draft study reports for all twelve studies in April 2008 and will hold an additional "Update Meeting" in May 2008 to review and discuss the draft study reports with interested stakeholders. In order to further address the recent comments, Appalachian proposes to convene workgroups for the instream

flow, recreation, and aquatic resources studies during March 2008. These study reports will be drafts since several of the studies involve field surveys or analysis that will not be completed by spring of 2008, including those that require a drawdown in November 2008. Appalachian's proposed revised study schedule includes final study reports for all twelve studies to be filed in August 2008, and the drawdown-related components of the studies to be conducted in November 2008 (no filing date is provided for the reporting of these components).

A substantial amount of study-related work, including workgroup discussions, data synthesis and modeling, and presentation of findings, will occur between now and the May 2008 study update meeting. Modifying the schedule so stakeholders have an opportunity to submit comments and study plan modifications after the draft study reports are available and the May 2008 study report meeting is conducted seems reasonable. Providing this opportunity will also help ensure that any additional surveys or studies can, if needed, be conducted during the 2008 study season. I therefore am revising the process plan and waiving the pertinent regulations as detailed in Appendix A.

Finally, to avoid piecemeal review, the final study reports must be submitted as a single filing after all data have been collected and processed, including those related to the November 2008 drawdown. This requires an additional process plan revision in order to allow for the review of all completed studies prior to the filing of the license application.

If you have any questions, please contact John Smith at (202) 502-8972.

Sincerely,

J. Mark Robinson
Director
Office of Energy Projects

Enclosure: Appendix A, Process Plan Revision

cc: Mailing List
Public Files

Appendix A

Process Plan Revision for the Claytor Project

Pre-Filing Milestone	Current Deadline	Revised Deadline	(4) Responsible Party
(Second) Initial Study Report §5.15(c)(1) <i>No later than one year from study determination</i>	November 16, 2007	Regulation waived, report to be filed by May 15, 2008	Appalachian Power
(Second) Initial Study Report Meeting §5.15(c)(2) <i>15 days from initial report</i>	December 1, 2007	May 30, 2008	Appalachian Power with participants
(Second) Initial Study Report Meeting Summary §5.15(c)(3) <i>15 days from study meeting</i>	December 16, 2007	June 14, 2008	Appalachian Power
Study Disputes/Requests to Modify Study Plan due §5.15(c)(4) <i>30 days from study summary</i>	January 15, 2008	July 14, 2008	FERC and participants
Responses to Disputes/Study Requests § 5.15(c)(5) <i>30 days from comment due date</i>	February 14, 2008	August 13, 2008	Appalachian Power
Director's Study Plan Determination §5.15(c)(6) <i>30 days from response due date</i>	March 16, 2008	September 12, 2008	FERC
Updated Study Report due §5.15(f) <i>2 years from initial study plan determination</i>	November 16, 2008	Regulation waived, report to be filed by January 15, 2009, to include all completed studies	Appalachian Power
Updated Study Report Meeting §5.15(f) <i>15 days from initial report</i>	December 1, 2008	January 30, 2009	Appalachian Power and participants
Updated Study Report Meeting Summary §5.15(f) <i>15 days from study meeting</i>	December 16, 2008	February 14, 2009	Appalachian Power
Study Disputes/Request to Modify Study Plan due §5.15(f) <i>30 days from study summary</i>	January 15, 2009	March 16, 2009	FERC and participants

Responses to Disputes/Study Requests <i>§5.15(f) 30 days from comment due date</i>	February 13, 2009	April 15, 2009	Appalachian Power
Directors Study Plan Determination <i>§5.15(f) 30 days from response due date</i>	March 16, 2009	May 15, 2009	FERC
Preliminary Licensing Proposal <i>§5.16(a) 150 days from filing application</i>	February 1, 2009	No change	Appalachian Power
Comments on Preliminary Licensing Proposal <i>§5.16(e) 90 days from PLP filing</i>	May 1, 2009	No change	FERC and participants
License Application <i>§5.17 2 years before expiration</i>	June 30, 2009	No change	Appalachian Power

Document Content(s)

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