



**Division of Natural Resources
Wildlife Resources Section
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**Joe Manchin III
Governor**

**Frank Jezioro
Director**

November 19, 2009

Hon. Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, DC 20426

**RE: COMMENT, APPALACHIAN POWER COMPANY, CLAYTOR
PROJECT, PROJECT NO. P-739-022**

The West Virginia Division of Natural Resources (WVDNR) has completed a review of the referenced license application for the Claytor Project. On September 30, 2009, the Federal Energy Regulatory Commission (Commission) issued the Notice of Application Accepted for Filing, Soliciting Motions to Intervene and Protests, Ready for Environmental Analysis, and Soliciting Comments, Recommendations, Preliminary Terms and Conditions, and Preliminary Fishway Prescriptions¹ for the Claytor Project.

The Claytor Project is located on the New River in Pulaski County, Virginia. However, the New River enters West Virginia approximately 63 miles downstream of the Claytor Project. The WVDNR became involved with the licensing process for this project because of concerns about frequent water level fluctuations that occurred in an approximate 14 mile section of the New River in West Virginia due to the peaking operations at the Claytor Project.

Consultants for Appalachian Power Company (APC) conducted an Instream Flow Study, a Recreation Flow Study for Virginia, and a Flow Attenuation Study. Information gained from these studies enabled the WVDNR, in consultation with other stakeholders, to recommend a flow regime that would both protect aquatic resources and provide flows for recreation.

The WVDNR has the following comments and proposed conditions for the Claytor Project License:

¹ Accession No. 20090930-3012

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1. The WVDNR concurs with the proposed levelized flow operation from April 1- November 30, with minimum flows of 750 CFS, averaged hourly, or inflow, whichever is less. The rationale for this provision is to provide improved flow conditions for aquatic life, especially during the fish spawning season, April – June. Bank erosion should be reduced by limiting the number of significant water level fluctuations per day. It is also anticipated that stranding by boaters and wading anglers will be reduced.
2. Peaking mode would be permitted from December 1 – March 31. APC proposed a minimum flow of 1,000 CFS during the peaking months. The WVDNR recommends that minimum flows during December 1 through January 31 peaking season be maintained at an average hourly flow of 1,250 CFS or inflow, whichever is less. During February 1 through March 31, the WVDNR recommends that the minimum flow be maintained at an hourly average of 1,500 CFS or inflow, whichever is less. The rationale for this proposal is that increased minimum flows would limit stranding of anglers, recreational boaters, and waterfowl hunters. In addition, the higher minimum flow would more closely approximate the natural annual hydrograph benefiting aquatic species and contributing to more stable stream morphology.
3. The WVDNR concurs with the APC proposal to provide ramping rates at 15 minute intervals for bring individual units on line, and 30 minute intervals for taking individual units off-line.

The WVDNR advocates run-of-the-river operations at hydropower facilities but believes that the Water Management Plan proposed by APC, with the revisions proposed above, will address the issues we had with peaking operations. Thank you for the opportunity to review the subject license application. The WVDNR looks forward to continuing to work with APC and all concerned parties during the relicensing process.

Sincerely,



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Document Content(s)

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