

ORIGINAL

COMMENTS
 Appalachian Power Co.
 Claytor Hydroelectric Project
 FERC NO. 739-022

Friends of Claytor Lake, Inc.
 P. O. Box 815
 Pulaski, VA 24301

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

November 24, 2009

Dear Madam Secretary:

The Friends of Claytor Lake (FOCL) Board of Directors would like to take this opportunity to comment on the National Environmental Policy Act (NEPA) documentation on the above referenced license application. FOCL is a 501.c.3 organization dedicated to conserving and protecting the quality, sustainability and tranquility of the environment of Claytor Lake for all.

FOCL began its work in the early 1990's and has had and continues to have an excellent working relationship with American Electric Power's local hydropower generator Appalachian Power Company (APCO). FOCL supports APCO's re-licensing of this project. Appalachian is an important part of the socio-economic structure of the greater Claytor Lake community and an important partner in FOCL's annual water quality monitoring and debris clean-up.

Members of FOCL have attended work group meetings held by APCO during the licensing process. While these meetings have been open to the public, they have been attended by a relatively small, group of people. The public is largely unaware of what APCO is proposing for licensure. FOCL would therefore like to recommend, as part of the Integrated Licensing Process, that follow-up meetings to the initial scoping meetings of April 2006 be held to inform the larger community of interested stakeholders of APCO's license proposals. This would provide for a more accurate and complete assessment of the impact of the proposals on those affected. In March, 2009, FOCL sent a mailing to approximately 2000 stakeholders; recommending to them that if they wanted a public meeting to contact APCO and FERC; to date we are not aware of the outcome of this mailing.

The FOCL Board would also like to comment on the following the issues:

- 1) Elimination of annual drawdown
- 2) Inclusion of the project boundary in the Mussel Monitoring Plan and a mussel mitigation program
- 3) Mitigation of shoreline erosion
- 4) Dock size regulations

FOCL, as a conservation organization, fully supports the conservation of Claytor Lake's native mussel community and specifically supports the restoration of the state threatened pistolgrip mussel to non-threatened status. However, the Environmental Assessment lists only one alternative to meet the

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conservation of mussels, specifically, to discontinue the annual drawdown of the lake. According to the shoreline resident survey conducted by APCO's Recreation Study, seventy-five percent of respondents reported using drawdown to perform property maintenance, including debris removal, dock maintenance and shoreline stabilization (Berger, 2008). Without the ability to maintain property and protect the shoreline by cost effective means, stakeholders may be forced to forego these necessary property maintenance and erosion prevention. Thus, discontinuing drawdown may negatively impact the quality of the human environment FOCL is concerned that this decreased property upkeep will result in increased debris and erosion, sedimentation and the impairment of the scenic and water quality of Claytor Lake.


We feel other reasonable alternatives exist and need to be explored in the NEPA documentation. Reasonable alternatives include (1) less frequent than annual drawdowns (e.g., every two to three years), (2) less than full five-foot drawdowns (e.g., four feet), and (3) drawdown's in warmer weather to avoid freezing conditions, which apparently cause mussel death

FCOL further believes the lake should be included in the Mussel Monitoring Plan to improve understanding of mussel distribution and lake impacts within the New River system as well as the impact of hydrilla on the mussel population. Likewise a mitigation program should be implemented to increase pistolgrip population to enable its removal from state threatened status (e.g., three facilities are within a two hour drive of Claytor Lake that has the capacity to culture mussels).

FOCL is appreciative of APCO's recognition of the negative impacts of erosion and sedimentation, and its inclusion in the Shoreline Management Plan (SMP) of a Steep Slope Protection classification. Nevertheless, the FOCL Board feels that protecting against erosion and sedimentation within the project boundary below 1850 is also crucial. By maximizing public use of the lake through increased boating access, as proposed in the Recreation Study, shoreline erosion below 1850 will increase. In fact, the Erosion Study revealed that boat wakes increase erosion by as much as 100%. Therefore, FOCL believes that the increased public boating access must be mitigated by giving priority to erosion control and prevention within the project boundary.

Public concern over dock size regulations proposed in the Shoreline Management Plan has also come to FOCL's attention. APCO is proposing a maximum 1000 square feet per structure (500 square feet within Steep Slope Protection areas), to include the structure, slip areas, all upland improvements and floats and slips for personal watercraft. Concerns being expressed are that, while the 1000 square foot dock limitation may work for a single bay boatlift on smaller lots, that limitation for two bay boatlifts presents serious safety hazards, and does not meet changing needs or boat sizes, or building codes to comply with ADA. FOCL is aware that greater flexibility in dock size regulations is allowed at other projects, such as Smith Mountain Lake, and requests that further consideration be given to greater flexibility in dock size regulations, as well variance procedures, at Claytor Lake. The FOCL Board offers these comments to promote its mission of conserving and protecting the quality, sustainability and tranquility of the environment of Claytor Lake for all. Thank you for providing this opportunity.

Sincerely,



Ronald E. Powers
President
Friends of Claytor Lake