

FEDERAL ENERGY REGULATORY COMMISSION

Washington, DC 20426

March 26, 2019

OFFICE OF ENERGY PROJECTS

Project No. P-2466-034 – Virginia
Niagara Hydroelectric Project
Appalachian Power Company

Subject: Scoping Document 1 for the Niagara Hydroelectric Project, P-2466-034

To the Party Addressed:

The Federal Energy Regulatory Commission (Commission) is currently reviewing the Pre-Application Document submitted by Appalachian Power Company (Appalachian) for relicensing the Niagara Hydroelectric Project (FERC No. 2466) (Niagara Project). The project is located on the Roanoke River, in Roanoke County, Virginia.

Pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended, Commission staff intends to prepare an environmental assessment (EA), which will be used by the Commission to determine whether, and under what conditions, to issue a new license for the project. To support and assist our environmental review, we are beginning the public scoping process to ensure that all pertinent issues are identified and analyzed, and that the EA is thorough and balanced.

We invite your participation in the scoping process, and are circulating the attached Scoping Document 1 (SD1) to provide you with information on the Niagara Project. We also are soliciting your comments and suggestions on our preliminary list of issues and alternatives to be addressed in the EA, and requesting that you identify any studies that would help provide a framework for collecting pertinent information on the resource areas under consideration necessary for the Commission to prepare the EA for the project.

We will hold two scoping meetings for the Niagara Project to receive input on the scope of the EA. An evening meeting will be held at 6:30 p.m. on Wednesday, April 24, 2019, at the Vinton Library. A daytime meeting will be held at 9:00 a.m. on Thursday, April 25, 2019 at the same location. We will also visit the project facilities on Wednesday, April 24, 2019, starting at 10:00 a.m.

Project No. 2466-034

2

We invite all interested agencies, Indian tribes, non-governmental organizations, and individuals to attend one or all of these meetings. Further information on our environmental site review and scoping meetings is available in the enclosed SD1.

SD1 is being distributed to both Appalachian's distribution list and the Commission's official mailing list (see section 10.0 of the attached SD1). If you wish to be added to or removed from the Commission's official mailing list, please send your request by email to ferconlinesupport@ferc.gov or by mail to: Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Room 1A, Washington, DC 20426. All written or emailed requests must specify your wish to be removed from or added to the mailing list and must clearly identify the following on the first page: **Niagara Hydroelectric Project No. 2466-034**.

Please review the SD1 and, if you wish to provide comments, follow the instructions in section 6.0, *Request for Information and Studies*. If you have any questions about SD1, the scoping process, or how Commission staff will develop the EA for this project, please contact Allyson Conner at (202) 502-6052 or allyson.conner@ferc.gov. Additional information about the Commission's licensing process and the Niagara Project may be obtained from our website (www.ferc.gov) or Appalachian's licensing website, www.aephydro.com. The deadline for filing comments and study requests is **May 25, 2019**. The Commission strongly encourages electronic filings.

Enclosure: Scoping Document 1

SCOPING DOCUMENT 1
NIAGARA HYDROELECTRIC PROJECT
VIRGINIA
PROJECT NO. 2466-034



Federal Energy Regulatory Commission
Office of Energy Projects
Division of Hydropower Licensing
Washington, DC

MARCH 2019

TABLE OF CONTENTS

TABLE OF CONTENTS	ii
1.0 INTRODUCTION	1
2.0 SCOPING	3
2.1 PURPOSES OF SCOPING	3
2.2 COMMENTS, SCOPING MEETINGS, AND ENVIRONMENTAL SITE REVIEW	4
3.0 PROPOSED ACTION AND ALTERNATIVES	7
3.1 NO-ACTION ALTERNATIVE	7
3.1.1 Existing Project Facilities	7
3.1.2 Existing Project Operations	7
3.2 APPLICANT'S PROPOSAL	8
3.2.1 Proposed Project Facilities and Operation	8
3.2.2 Proposed Environmental Measures	8
3.3 DAM SAFETY	10
3.4 ALTERNATIVES TO THE PROPOSED ACTION	10
3.5 ALTERNATIVES CONSIDERED BUT ELIMINATED FROM DETAILED STUDY	10
3.5.1 Federal Government Takeover	10
3.5.2 Non-power License	11
3.5.3 Project Decommissioning	11
4.0 SCOPE OF CUMULATIVE EFFECTS AND SITE-SPECIFIC RESOURCE ISSUES	12
4.1 CUMULATIVE EFFECTS	12
4.1.1 Resources that could be Cumulatively Affected	12
4.1.2 Geographic Scope	12
4.1.3 Temporal Scope	12
4.2 RESOURCE ISSUES	13
4.2.1 Geologic and Soils Resources	13
4.2.2 Aquatic Resources	13
4.2.3 Terrestrial Resources	14
4.2.4 Threatened and Endangered Species	14
4.2.5 Recreation, Land Use, and Aesthetic Resources	14
4.2.6 Cultural Resources	14
4.2.7 Developmental Resources	14

5.0 PROPOSED STUDIES 15

6.0 REQUEST FOR INFORMATION AND STUDIES 18

7.0 EA PREPARATION SCHEDULE 20

8.0 PROPOSED EA OUTLINE 21

9.0 COMPREHENSIVE PLANS 23

10.0 MAILING LIST 24

APPENDIX A..... A-1

APPENDIX B..... B-1

LIST OF FIGURES

Figure 1. Location of the project. (Source: Appalachian). 2

LIST OF TABLES

Table 1. Appalachian’s initial study proposals. (Source: Appalachian) 15

SCOPING DOCUMENT 1

Niagara Hydroelectric Project, No. 2466-034

1.0 INTRODUCTION

The Federal Energy Regulatory Commission (Commission or FERC), under the authority of the Federal Power Act (FPA),¹ may issue licenses for terms ranging from 30 to 50 years for the construction, operation, and maintenance of non-federal hydroelectric projects. On January 28, 2019, Appalachian Power Company (Appalachian) filed a Pre-Application Document (PAD) and Notice of Intent to seek a new license for the Niagara Hydroelectric Project, FERC Project No. 2466 (Niagara Project or project).²

The Niagara Project is located on the Roanoke River in Roanoke County, Virginia. The average annual generation from 2010 to 2014 of the project was 8,853 megawatt-hours (MWh).

A detailed description of the project is provided in section 3.0. The location of the project is shown in figure 1. The Niagara Project does not occupy federal lands.

The National Environmental Policy Act (NEPA) of 1969,³ the Commission's regulations, and other applicable laws require that we independently evaluate the environmental effects of relicensing the Niagara Project as proposed, and also consider reasonable alternatives to the licensee's proposed action. At this time, we intend to prepare an environmental assessment (EA) that describes and evaluates the probable effects, including an assessment of the site-specific and cumulative effects, if any, of the proposed action and alternatives. The EA preparation will be supported by a scoping process to ensure identification and analysis of all pertinent issues. Although our current intent is to prepare an EA, there is a possibility that an environmental impact statement (EIS) will be required. The scoping process will satisfy the NEPA scoping requirements, irrespective of whether the Commission issues an EA or an EIS.

¹ 16 U.S.C. § 791(a)-825(r) (2012).

² The current license for the Niagara Project was issued on March 25, 1994, and expires on February 29, 2024.

³ National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321-4370(f) (2012).



Figure 1. Location of the project. (Source: Appalachian).

2.0 SCOPING

Scoping Document 1 (SD1) is intended to advise all participants as to the proposed scope of the EA and to seek additional information pertinent to this analysis. This document contains: (1) a description of the scoping process and schedule for the development of the EA; (2) a description of the proposed action and alternatives; (3) a preliminary identification of environmental issues and proposed studies; (4) a request for comments and information; (5) a proposed EA outline; and (6) a preliminary list of comprehensive plans that are applicable to the project.

2.1 PURPOSES OF SCOPING

Scoping is the process used to identify issues, concerns, and opportunities for enhancement or mitigation associated with a proposed action. In general, scoping should be conducted during the early planning stages of a project. The purposes of the scoping process are as follows:

- invite participation of federal, state, and local resource agencies, Indian tribes, non-governmental organizations (NGOs), and the public to identify significant environmental and socioeconomic issues related to the proposed project;
- determine the resource issues, depth of analysis, and significance of issues to be addressed in the EA;
- identify how the project would or would not contribute to cumulative effects in the project area;
- identify reasonable alternatives to the proposed action that should be evaluated in the EA;
- solicit, from participants, available information on the resources at issue, including existing information and study needs; and
- determine the resource areas and potential issues that do not require detailed analysis during review of the project.

2.2 COMMENTS, SCOPING MEETINGS, AND ENVIRONMENTAL SITE REVIEW

During preparation of the EA, there will be several opportunities for the resource agencies, Indian tribes, NGOs, and the public to provide input. These opportunities occur:

- during the public scoping process and study plan meetings, when we solicit oral and written comments regarding the scope of issues and analysis for the EA;
- in response to the Commission's notice that the project is ready for environmental analysis; and
- after issuance of the EA when we solicit written comments on the EA.

In addition to written comments solicited by this SD1, we will hold two public scoping meetings and an environmental site review in the vicinity of the project. A daytime meeting will focus on concerns of the resource agencies, NGOs, and Indian tribes, and an evening meeting will focus on receiving input from the public. We invite all interested agencies, Indian tribes, NGOs, and individuals to attend one or both of the meetings to assist us in identifying the scope of environmental issues that should be analyzed in the EA. All interested parties are also invited to participate in the environmental site review. The times and locations of the meetings and environmental site review are as follows:

Evening Scoping Meeting

Date and Time: **Wednesday, April 24, 2019 at 6:30 p.m.**

Location: Vinton Library
300 S. Pollard Street
Vinton, VA 24179
(540) 857-5043

Daytime Scoping Meeting

Date and Time: **Thursday, April 25, 2019 at 9:00 a.m.**

Location: Vinton Library
300 S. Pollard Street
Vinton, VA 24179
(540) 857-5043

Environmental Site Review

Date and Time: **Wednesday, April 24, 2019 at 10:00 a.m.**

Location: Niagara Dam
1495 Niagara Road
Vinton, VA 24179-3700

Please RSVP via email to Jonathan Magalski at jmmagalski@aep.com **on or before April 19, 2019** if you plan to attend the environmental site review. Persons not providing an RSVP by April 19, 2019, will not be allowed on the environmental site review. Individuals may not access the site without escort of the facility owner, Appalachian Power Company. Also, persons attending the environmental site review must adhere to the following requirements: (1) persons must be 18 years or older; (2) persons must have a current, valid, government-issued or school photo identification (i.e., driver's license, etc.); (3) persons with open-toed shoes/sandals/flip flops/high heels, etc. will not be allowed on the environmental site review; (4) no photography will be allowed inside the powerhouses; (5) small bags containing personal items for the site visit (i.e., notebooks, maps, water, etc.) will be allowed, but are subject to search; (6) no weapons are allowed on-site; (7) no alcohol/drugs are allowed on-site (or persons exhibiting the effects thereof); (8) hard hats and safety glasses (PPE) will be required while on-site, please bring personal PPE if available, otherwise PPE will be provided; (9) no animals (except for service animals) are allowed on the environmental site review; and (10) individuals participating in the environmental site review will be required to sign a waiver of liability.

The scoping meetings will be recorded by a court reporter, and all statements (verbal and written) will become part of the Commission's public record for the project. Before each meeting, all individuals who attend, especially those who intend to make statements, will be asked to sign in and clearly identify themselves for the record. Interested parties who choose not to speak or who are unable to attend the scoping meetings may provide written comments and information to the Commission as described in section 6.0. These meetings are posted on the Commission's calendar located on the internet at www.ferc.gov/EventCalendar/EventsList.aspx, along with other related information.

Meeting participants should come prepared to discuss their issues and/or concerns as they pertain to the relicensing of the Niagara Project. It is advised that participants review the PAD in preparation for the scoping meetings. Copies of the PAD are available for review at the Commission in the Public Reference Room or may be viewed on the Commission's website (www.ferc.gov), using the "eLibrary" link. Enter the docket number, P-2466, to access the documents. For assistance, contact FERC Online Support at FERCOnlineSupport@ferc.gov or toll free at 1-866-208-3676, or for TTY,

(202) 502-8659. A copy of the PAD also can be obtained from Appalachian's licensing website (<http://www.aephydro.com>) or be available for inspection and reproduction at the following address: Appalachian Power Company, 40 Franklin Road SW, Roanoke, Virginia, 24011.

Following the scoping meetings and comment period, all issues raised will be reviewed and decisions made as to the level of analysis needed. If preliminary analysis indicates that any issues presented in this scoping document have little potential for causing significant effects, the issue(s) will be identified and the reasons for not providing a more detailed analysis will be given in the EA.

If we receive no substantive comments on SD1, then we will not prepare a Scoping Document 2 (SD2). Otherwise, we will issue SD2 to address any substantive comments received. The SD2 will be issued for informational purposes only; no response will be required. The EA will address recommendations and input received during the scoping process.

3.0 PROPOSED ACTION AND ALTERNATIVES

In accordance with NEPA, the environmental analysis will consider the following alternatives, at a minimum: (1) the no-action alternative, (2) the applicant's proposed action, and (3) alternatives to the proposed action.

3.1 NO-ACTION ALTERNATIVE

Under the no-action alternative, the Niagara Project would continue to operate as required by the current project license (i.e., there would be no change to the existing environment). No new environmental protection, mitigation, or enhancement measures would be implemented. We use this alternative to establish baseline environmental conditions for comparison with other alternatives.

3.1.1 Existing Project Facilities

The Niagara Project consists of: (1) a 52-foot-high, 462-foot-long concrete dam, inclusive of the right non-overflow abutment (70 feet) and main spillway (392 feet); (2) a 62-acre impoundment with a gross storage capacity of 425 acre-feet at the normal pool elevation of 884.4 feet;⁴ (3) an 11-foot-diameter, 500-foot-long corrugated metal pipe penstock with associated entrance and discharge structures; (4) a 1,500-foot-long bypassed reach; (5) a 92-foot-long, 58-foot-wide, 42-foot-high concrete powerhouse containing two generating units with a total authorized installed capacity of 2.4 megawatts (MW); (6) a 103-foot-long auxiliary spillway with a crest elevation of 886 feet located downstream of the upstream intake; (7) transmission facilities consisting of 50-foot-long 2.4-kilovolt (kV) generator leads and a 3-phase, 2.4/12-kV, 2,500-kilovolt ampere (kVA) step-up transformer; and (8) appurtenant facilities.

3.1.2 Existing Project Operations

The Niagara Project operates in a run-of-river mode under all flow conditions, where inflow equals outflow. The project is operated to maintain the impoundment at or near elevation 884.4 feet, which is 0.6 feet below the crest of the spillway. During extreme flow conditions, such as rapidly changing inflows, Appalachian operates the project with a minimum impoundment elevation of 883.4 feet. Run-of-river operation may be temporarily modified by operating emergencies beyond the control of Appalachian and for short periods upon mutual agreement among Appalachian, U.S. Fish

⁴ All elevations herein are referenced to National Geodetic Vertical Datum of 1929 (NGVD 29).

and Wildlife Service (FWS), and the Virginia Department of Game and Inland Fisheries (Virginia DGIF).

During periods of high flow, all flows exceeding the maximum generation capacity of the powerhouse are passed over and through the main spillway. When the reservoir elevation reaches 886.0 feet, water begins to spill over the auxiliary spillway. When the tailwater elevation at the powerhouse reaches 832.0 feet, the generating units are shut down.

Appalachian releases a minimum flow of 50 cubic feet per second (cfs), or inflow to the impoundment, whichever is less, below the project. Appalachian provides a total minimum flow of 8 cfs into the bypassed reach through the sluice gate or over the spillway. Flows are measured at the U.S. Geological Survey (USGS) gage located approximately 200 feet downstream of the powerhouse (USGS 2056000 Roanoke River at Niagara, Virginia).

3.2 APPLICANT'S PROPOSAL

The proposed action is to continue the existing operation and maintenance of the Niagara Project.

3.2.1 Proposed Project Facilities and Operation

Appalachian is not proposing any changes to its project facilities or in project operation.

3.2.2 Proposed Environmental Measures

Appalachian proposes to continue the existing operation and maintenance of the Niagara Project which includes the protection, mitigation, and enhancement (PM&E) measures required by the current license and subsequent amendments. These measures are described below.

Geologic and Soil Resources

- There are no existing or proposed PM&E measures related to geology and soils for the Niagara Project. The potential need for PM&E measures will be evaluated during the relicensing process.

Aquatic Resources

- Continue operating the project in a run-of-river mode, maintaining the elevation of the impoundment at or near 884.4 feet (Article 401).
- Continue providing a minimum flow of 50 cfs, or inflow to the project, whichever is less, to the Roanoke River downstream of the powerhouse (Article 402).
- Continue providing a minimum flow of 8 cfs to the project's bypassed reach (Article 403).⁵

Terrestrial Resources

- Continue to follow a Commission-approved Wildlife Management Plan that includes monitoring habitat over the term of the existing license (Article 407).

Threatened and Endangered Species

- There are no existing or proposed PM&E measures related to terrestrial resources for the Niagara Project. The potential need for PM&E measures will be evaluated during the relicensing process.

Recreation and Land Use

- Continue to provide recreation access via a canoe portage trail (Article 411).

Aesthetic Resources

- There are no existing or proposed PM&E measures related to aesthetic resources for the Niagara Project. The potential need for PM&E measures will be evaluated during the relicensing process.

⁵ 93 FERC ¶ 62,049 (2000). Order Approving Modification to Flow Monitoring Plan.

Cultural Resources

- There are no existing or proposed PM&E measures related to cultural resources for the Niagara Project. The potential need for PM&E measures will be evaluated during the relicensing process.

3.3 DAM SAFETY

It is important to note that dam safety constraints may exist and should be taken into consideration in the development of proposals and alternatives considered in the pending proceeding. For example, proposed modifications to the dam structure, such as the installation of flashboards or fish passage facilities, could impact the integrity of the dam structure. As the proposal and alternatives are developed, the applicant must evaluate the effects and ensure that the project would meet the Commission's dam safety criteria found in Part 12 of the Commission's regulations and the Engineering Guidelines (<http://www.ferc.gov/industries/hydropower/safety/guidelines/eng-guide.asp>).

3.4 ALTERNATIVES TO THE PROPOSED ACTION

Commission staff will consider and assess all alternative recommendations for operational or facility modifications, as well as PM&E measures identified by the Commission, the agencies, Indian tribes, NGOs, and the public.

3.5 ALTERNATIVES CONSIDERED BUT ELIMINATED FROM DETAILED STUDY

At present, we propose to eliminate the following alternatives from detailed study in the EA.

3.5.1 Federal Government Takeover

In accordance with § 16.14 of the Commission's regulations, a federal department or agency may file a recommendation that the United States exercise its right to take over a hydroelectric power project with a license that is subject to sections 14 and 15 of the FPA.⁶ We do not consider federal takeover to be a reasonable alternative. Federal takeover of the project would require congressional approval. While that fact alone would not preclude further consideration of this alternative, there is currently no evidence showing that federal takeover should be recommended to Congress. No party has

⁶ 16 U.S.C. §§ 791(a)-825(r).

suggested that federal takeover would be appropriate, and no federal agency has expressed interest in operating the project.

3.5.2 Non-power License

A non-power license is a temporary license the Commission would terminate whenever it determines that another governmental agency is authorized and willing to assume regulatory authority and supervision over the lands and facilities covered by the non-power license. At this time, no governmental agency has suggested a willingness or ability to take over the project. No party has sought a non-power license, and we have no basis for concluding that the Niagara Project should no longer be used to produce power. Thus, we do not consider a non-power license a reasonable alternative to relicensing the project.

3.5.3 Project Decommissioning

Decommissioning of the project could be accomplished with or without dam removal. Either alternative would require denying the relicense application and surrender or termination of the existing license with appropriate conditions. There would be significant costs involved with decommissioning the project and/or removing any project facilities. The project provides a viable, safe, and clean renewable source of power to the region. With decommissioning, the project would no longer be authorized to generate power.

No party has suggested project decommissioning would be appropriate in this case, and we have no basis for recommending it. Thus, we do not consider project decommissioning a reasonable alternative to relicensing the project with appropriate environmental measures.

4.0 SCOPE OF CUMULATIVE EFFECTS AND SITE-SPECIFIC RESOURCE ISSUES

4.1 CUMULATIVE EFFECTS

According to the Council on Environmental Quality's regulations for implementing NEPA (40 C.F.R. 1508.7), a cumulative effect is the effect on the environment that results from the incremental effect of the action when added to other past, present, and reasonably foreseeable future actions, regardless of what agency (federal or non-federal) or person undertakes such other actions. Cumulative effects can result from individually minor but collectively significant actions taking place over a period of time, including hydropower and other land and water development activities.

4.1.1 Resources that could be Cumulatively Affected

Based on information in the PAD for the Niagara Project, and preliminary staff analysis, we have identified water quality (i.e., dissolved oxygen and water temperature) and aquatic habitat as resources that could be cumulatively affected by the proposed continued operation and maintenance of the Niagara Project in combination with other hydroelectric projects and other activities in the Roanoke River Basin.

4.1.2 Geographic Scope

Our geographic scope of analysis for cumulatively affected resources is defined by the physical limits or boundaries of: (1) the proposed action's effect on the resources, and (2) contributing effects from other non-hydropower activities (municipal and industrial water withdrawals/discharges) within the upper Roanoke River. We have identified the geographic scope for water quality to include the Roanoke River from the confluence of the North and South Forks (near Lafayette, Virginia) to the upper extent of Smith Mountain Lake, the 20,260-acre impoundment for the Smith Mountain Pumped Storage Project FERC No. 2210. We chose this geographic scope because it appears to capture the main municipalities upstream of the Niagara Project impoundment, which may cumulatively affect water quality and aquatic habitat in the identified geographic reach. In addition, this scope encompasses the downstream extent for which project effects are most likely to occur.

4.1.3 Temporal Scope

The temporal scope of our cumulative effects analysis in the EA will include a discussion of past, present, and reasonably foreseeable future actions and their effects on each resource that could be cumulatively affected. Based on the potential term of a new

license, the temporal scope will look 30 to 50 years into the future, concentrating on the effect on the resources from reasonably foreseeable actions. The historical discussion will, by necessity be limited to the amount of available information for each resource. The quality and quantity of information, however, diminishes as we analyze resources further away in time from the present.

4.2 RESOURCE ISSUES

In this section, we present a preliminary list of environmental issues to be addressed in the EA. We identified these issues, which are listed by resource area, by reviewing the PAD and the Commission's record for the Niagara Project. This list is not intended to be exhaustive or final, but contains the issues raised to date. After the scoping process is complete, we will review the list and determine the appropriate level of analysis needed to address each issue in the EA. Those issues identified by an asterisk (*) will be analyzed for both cumulative and site-specific effects.

4.2.1 Geologic and Soils Resources

- Effects of continued project operation and maintenance on shoreline stability of the impoundment.

4.2.2 Aquatic Resources

- Effects of continued project operation and maintenance on water quality, including dissolved oxygen (DO) and water temperature, upstream and downstream of the impoundment, including the bypassed reach.*
- Adequacy of the existing minimum flows for protecting aquatic habitat for resident fishes, including species of special concern (orangeфин madtom), and other aquatic resources downstream of the powerhouse (50 cfs) and in the bypassed reach (8 cfs).*
- Effects of continued project operation and maintenance on aquatic resources, including entrainment and impingement mortality of resident fishes.

4.2.3 Terrestrial Resources

- Effects of continued project operation and maintenance on riparian, wetland, and upland habitat and associated wildlife such as bald eagles.

4.2.4 Threatened and Endangered Species

- Effects of continued project operation and maintenance on the federally listed Indiana bat, northern long-eared bat, and Roanoke logperch.^{*,7}

4.2.5 Recreation, Land Use, and Aesthetic Resources

- Effects of continued project operation and maintenance on recreation, land use, and aesthetics within the project area including the project impoundment, tailrace, and bypassed reach.
- Adequacy of existing recreational facilities and public access to the project to meet current and future recreational demand.

4.2.6 Cultural Resources

- Effects of project operation and maintenance on historic properties and archeological resources that are included in, eligible for listing in, or potentially eligible for inclusion in the National Register of Historic Places.
- Effects of project operation and maintenance on any previously unidentified historic or archeological resources or traditional cultural properties that may be eligible for inclusion in the National Register of Historical Places.

4.2.7 Developmental Resources

- Economics of the project and the effects of any recommended environmental measures on the project's economics.

⁷ Cumulative effects analysis applies only to Roanoke logperch.

5.0 PROPOSED STUDIES

Depending upon the findings of studies completed by Appalachian and the recommendations of the consulted entities, Appalachian will consider, and may propose certain other measures to enhance environmental resources affected by the project as part of the proposed action. Appalachian's initial study proposals are identified by resource area in table 1. Detailed information on Appalachian's initial study proposals can be found in the PAD. Further studies may need to be added to this list based on comments provided to the Commission and Appalachian from interested participants, including Indian tribes.

Table 1. Appalachian's initial study proposals. (Source: Appalachian)

Resource Area and Study Name	Proposed Study
Geology and Soils	
Shoreline Stability Assessment	To provide updated information about existing project conditions, as well as to evaluate the need for any additional erosion control measures at specific areas of concern, Appalachian proposes to conduct a Shoreline Stability Assessment for the project. Appalachian anticipates that this assessment will consist of a survey of the project impoundment to locate any sites of erosion or shoreline instability. Appalachian proposes to inventory, map, and photograph any such areas, using a scoring or ranking system (e.g., Bank Erosion Hazard Index) to try to identify areas that have the potential to erode at unnaturally high rates and to prioritize any areas where remedial action may be needed.
Aquatic Resources	
Water Quality Study	Appalachian proposes to conduct a seasonal temperature and DO study at the project to confirm compliance with water quality standards and designated uses.

Resource Area and Study Name	Proposed Study
	Locations of monitoring equipment will be established through further consultation with Virginia Department of Environmental Quality and other stakeholders. The scope of the study would be limited to the FERC-approved project boundary.
Bypass Reach Aquatic Habitat Study	Appalachian proposes to perform a desktop aquatic habitat assessment of the bypassed reach to determine the amount of available habitat under the 8-cfs minimum flow. Appalachian states that this study may include a review of all work performed to date, and determination of appropriate methodologies used in conjunction with fisheries surveys conducted to update the species composition.
Terrestrial Resources	
Wetland and Riparian Habitat Survey	Appalachian proposes to conduct a wetland and riparian habitat assessment that will consist of field surveys to confirm, classify, and characterize wetland habitats and communities within the project boundary. Wetlands will be mapped and classified using the FWS's wetland classification system, unless otherwise recommended by resource agencies. During the wetland survey, investigators will identify the dominant plants present within a wetland habitat to the species level. During the field habitat surveys, investigators will examine the soil matrix down to approximately 18 inches if possible, and analyze soil

Resource Area and Study Name	Proposed Study
	characteristics in the field for hydric soil indicators. Principal wetland functions and values will also be determined. This study will also include characterization of riparian habitat resources within the project boundary.
Recreation Resources	
Recreational Needs Assessment	Appalachian proposes to conduct a recreational assessment of the project to assess existing recreational opportunities and potential improvements to facilities. Appalachian will incorporate existing monitoring information into the study report and recommendations and the scope will be limited to within the FERC-approved project boundary.

6.0 REQUEST FOR INFORMATION AND STUDIES

We are asking federal, state, and local resource agencies, Indian tribes, NGOs, and the public to forward to the Commission any information that will assist us in conducting an accurate and thorough analysis of the project-specific and cumulative effects associated with relicensing the Niagara Project. The types of information requested include, but are not limited to:

- information, quantitative data, or professional opinions that may help define the geographic and temporal scope of the analysis (both site-specific and cumulative effects), and that helps identify significant environmental issues;
- identification of, and information from, any other EA, EIS, or similar environmental study (previous, on-going, or planned) relevant to the proposed relicensing of the Niagara Project;
- existing information and any data that would help to describe the past and present actions and effects of the project and other developmental activities on environmental and socioeconomic resources;
- information that would help characterize the existing environmental conditions and habitats;
- the identification of any federal, state, or local resource plans, and any future project proposals in the affected resource area (e.g., proposals to construct or operate water treatment facilities, recreation areas, water diversions, timber harvest activities, or fish management programs, along with any implementation schedules);
- documentation that the proposed project would or would not contribute to cumulative adverse or beneficial effects on any resources. Documentation can include, but need not be limited to, how the project would interact with other projects in the area and other developmental activities; study results; resource management policies; and reports from federal and state agencies, local agencies, Indian tribes, NGOs, and the public;
- documentation showing why any resources should be excluded from further study or consideration; and

- study requests by federal and state agencies, local agencies, Indian tribes, NGOs, and the public that would help provide a framework for collecting pertinent information on the resource areas under consideration necessary for the Commission to prepare the EA/EIS for the project.

All requests for studies filed with the Commission must meet the criteria found in Appendix A, *Study Plan Criteria*.

The requested information, comments, and study requests should be submitted to the Commission no later than **May 25, 2019**. All filings must clearly identify the following on the first page: **Niagara Project (P-2466-034)**. Scoping comments may be filed electronically via the Internet. See 18 C.F.R. 385.2001(a)(1)(iii) and the instructions on the Commission's website <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov or toll free at 1-866-208-3676, or for TTY, (202) 502-8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, D.C. 20426.

Register online at <http://www.ferc.gov/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, please contact FERC Online Support at ferconlinesupport@ferc.gov.

Any questions concerning the scoping meetings, site visits, or how to file written comments with the Commission should be directed to Allyson Conner at (202) 502-6082 or allyson.conner@ferc.gov. Additional information about the Commission's licensing process and the Niagara Project may be obtained from the Commission's website, www.ferc.gov.

7.0 EA PREPARATION SCHEDULE

At this time, we anticipate the need to prepare a single EA. The EA will be sent to all persons and entities on the Commission's service and mailing lists for the Niagara Project. The EA will include our recommendations for operating procedures, as well as PM&E measures that should be part of any license issued by the Commission. All recipients will then have 30 days to review the EA and file written comments with the Commission. All comments on the EA filed with the Commission will be considered in preparation of the license order. A schedule for the EA preparation will be provided after a license application is filed.

The major milestones, with pre-filing target dates are as follows:

<u>Major Milestone</u>	<u>Target Date</u>
Scoping Meetings	April 2019
License Application Filed	February 2022
Ready for Environmental Analysis Notice Issued	
Deadline for Filing Comments, Recommendations, and Agency Terms and Conditions/Prescriptions	
Single EA Issued	
Comments on EA Due	
Deadline for Filing Modified Agency Recommendations	
Order Issued	

A copy of Appalachian's process plan, which has a complete list of relicensing milestones for the Niagara Project, including those for developing the license application, is attached as Appendix B to this SD1.

8.0 PROPOSED EA OUTLINE

The preliminary outline for the Niagara Project EA is as follows:

TABLE OF CONTENTS

LIST OF FIGURES

LIST OF TABLES

ACRONYMS AND ABBREVIATIONS

EXECUTIVE SUMMARY

1.0 INTRODUCTION

1.1 Application

1.2 Purpose of Action and Need for Power

1.3 Statutory and Regulatory Requirements

1.3.1 Federal Power Act

1.3.1.1 Section 18 Fishway Prescriptions

1.3.1.2 Section 10(j) Recommendations

1.3.2 Clean Water Act

1.3.3 Endangered Species Act

1.3.4 Coastal Zone Management Act

1.3.5 National Historic Preservation Act

Other statutes as applicable

1.4 Public Review and Comment

1.4.1 Scoping

1.4.2 Interventions

1.4.3 Comments on the Application

2.0 PROPOSED ACTION AND ALTERNATIVES

2.1 No-action Alternative

2.1.1 Existing Project Facilities

2.1.2 Project Safety

2.1.3 Existing Project Operation

2.1.4 Existing Environmental Measures

2.2 Applicant's Proposal

2.2.1 Proposed Project Facilities

2.2.2 Proposed Project Operation

2.2.3 Proposed Environmental Measures

2.2.4 Modifications to Applicant's Proposal—Mandatory Conditions

2.3 Staff Alternative

2.4 Staff Alternative with Mandatory Conditions

2.5 Other Alternatives (as appropriate)

2.6 Alternatives Considered but Eliminated from Detailed Study

- 2.6.1 Federal Government Takeover of the Project
 - 2.6.2 Issuing a Nonpower License
 - 2.6.3 Retiring the Project
- 3.0 ENVIRONMENTAL ANALYSIS
 - 3.1 General Description of the River Basin
 - 3.2 Scope of Cumulative Effects Analysis
 - 3.2.1 Geographic Scope
 - 3.2.2 Temporal Scope
 - 3.3 Proposed Action and Action Alternatives
 - 3.3.1 Geologic and Soil Resources
 - 3.3.2 Aquatic Resources
 - 3.3.3 Terrestrial Resources
 - 3.3.4 Threatened and Endangered Species
 - 3.3.5 Recreation, Land Use, and Aesthetic Resources
 - 3.3.6 Cultural Resources
 - 3.4 No-action Alternative
- 4.0 DEVELOPMENTAL ANALYSIS
 - 4.1 Power and Economic Benefits of the Project
 - 4.2 Comparison of Alternatives
 - 4.3 Cost of Environmental Measures
- 5.0 CONCLUSIONS AND RECOMMENDATIONS
 - 5.1 Comprehensive Development and Recommended Alternative
 - 5.2 Unavoidable Adverse Effects
 - 5.3 Recommendations of Fish and Wildlife Agencies
 - 5.4 Consistency with Comprehensive Plans
- 6.0 FINDING OF NO SIGNIFICANT IMPACT (OR OF SIGNIFICANT IMPACT)
- 7.0 LITERATURE CITED
- 8.0 LIST OF PREPARERS

APPENDICES

A—Draft License Conditions Recommended by Staff

9.0 COMPREHENSIVE PLANS

Section 10(a)(2) of the FPA, 16 U.S.C. section 803(a)(2)(A), requires the Commission to consider the extent to which a project is consistent with federal and state comprehensive plans for improving, developing, or conserving a waterway or waterways affected by a project. Commission staff have preliminarily identified and reviewed the plans listed below that may be relevant to the Niagara Project. Agencies are requested to review this list and inform the Commission staff of any changes. If there are other comprehensive plans that should be considered for this list that are not on file with the Commission, or if there are more recent versions of the plans already listed, they can be filed for consideration with the Commission according to 18 CFR 2.19 of the Commission's regulations. Please follow the instructions for filing a plan at <http://www.ferc.gov/industries/hydropower/gen-info/licensing/complan.pdf>.

The following is a list of comprehensive plans currently on file with the Commission that may be relevant to the Niagara Project.

National Park Service. The Nationwide Rivers Inventory. Department of the Interior, Washington, D.C. 1993.

U.S. Fish and Wildlife Service. Canadian Wildlife Service. 1986. North American waterfowl management plan. Department of the Interior. Environment Canada. May 1986.

U.S. Fish and Wildlife Service. n.d. Fisheries USA: the recreational fisheries policy of the U.S. Fish and Wildlife Service. Washington, D.C.

Virginia Department of Conservation and Recreation. The 2007 Virginia outdoors plan (SCORP). Richmond, Virginia.

Virginia Department of Environmental Quality. 2015. Commonwealth of Virginia State Water Resources Plan. Richmond, Virginia. October 2015.

Virginia State Water Control Board. 1986. Minimum instream flow study – final report. Annandale, Virginia. February 1986.

10.0 MAILING LIST

The list below is the Commission's official mailing list for the Niagara Project (FERC No. 2466). If you want to receive future mailings for the Niagara Project and are not included in the list below, please send your request by email to efiling@ferc.gov or by mail to: Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Room 1A, Washington, DC 20426. All written and emailed requests to be added to the mailing list must clearly identify the following on the first page: Niagara Project No. 2466-034. You may use the same method if requesting removal from the mailing list below.

Register online at <http://www.ferc.gov/esubscribenow.htm> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov or toll free at 1-866-208-3676, or for TTY, (202) 502-8659.

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APPENDIX A
STUDY PLAN CRITERIA
18 CFR Section 5.9(b)

Any information or study request must contain the following:

1. Describe the goals and objectives of each study proposal and the information to be obtained;
2. If applicable, explain the relevant resource management goals of the agencies or Indian tribes with jurisdiction over the resource to be studied;
3. If the requester is not a resource agency, explain any relevant public interest considerations in regard to the proposed study;
4. Describe existing information concerning the subject of the study proposal, and the need for additional information;
5. Explain any nexus between project operations and effects (direct, indirect, and/or cumulative) on the resource to be studied, and how the study results would inform the development of license requirements;
6. Explain how any proposed study methodology (including any preferred data collection and analysis techniques, or objectively quantified information, and a schedule including appropriate filed season(s) and the duration) is consistent with generally accepted practice in the scientific community or, as appropriate, considers relevant tribal values and knowledge; and
7. Describe considerations of level of effort and cost, as applicable, and why proposed alternative studies would not be sufficient to meet the stated information needs.

APPENDIX B NIAGARA PROJECT PROCESS PLAN AND SCHEDULE

Shaded milestones are unnecessary if there are no study disputes. If the due date falls on a weekend or holiday, the due date is the following business day. Early filings or issuances will not result in changes to these deadlines.

Responsible Party	Pre-Filing Milestone	Date	FERC Regulation
Appalachian	Issue Public Notice for NOI/PAD	1/28/2019	5.3(d)(2)
Appalachian	File NOI/PAD	1/28/2019	5.5, 5.6
FERC	Tribal Meetings	2/27/2019	5.7
FERC	Issue Notice of Commencement of Proceeding and Scoping Document 1	3/26/2019	5.8
FERC	Scoping Meetings and Project Site Visit	4/24/2019, 4/25/2019	5.8(b)(viii)
All Stakeholders	File Comments on PAD/Scoping Document 1 and Study Requests	5/25/2019	5.9
FERC	Issue Scoping Document 2 (if necessary)	7/9/2019	5.10
Appalachian	File Proposed Study Plan	7/9/2019	5.11(a)
All Stakeholders	Proposed Study Plan Meeting	8/8/2019	5.11(e)
All Stakeholders	File Comments on Proposed Study Plan	10/7/2019	5.12
Appalachian	File Revised Study Plan	11/6/2019	5.13(a)
All Stakeholders	File Comments on Revised Study Plan	11/21/2019	5.13(b)
FERC	Issue Director's Study Plan Determination	12/6/2019	5.13(c)
Mandatory Conditioning Agencies	File Any Study Disputes	12/26/2019	5.14(a)
Dispute Panel	Select Third Dispute Resolution Panel Member	1/10/2020	5.14(d)

Responsible Party	Pre-Filing Milestone	Date	FERC Regulation
Dispute Panel	Convene Dispute Resolution Panel	1/15/2020	5.14(d)(3)
Appalachian	File Comments on Study Disputes	1/20/2020	5.14(i)
Dispute Panel	Dispute Resolution Panel Technical Conference	1/25/2020	5.14(j)
Dispute Panel	Issue Dispute Resolution Panel Findings	2/14/2020	5.14(k)
FERC	Issue Director's Study Dispute Determination	3/5/2020	5.14(l)
Appalachian	First Study Season	Spring - Fall 2020	5.15(a)
Appalachian	File Initial Study Report	12/5/2020	5.15(c)(1)
All Stakeholders	Initial Study Report Meeting	12/20/2020	5.15(c)(2)
Appalachian	File Initial Study Report Meeting Summary	1/4/2021	5.15(c)(3)
All Stakeholders	File Disagreements/Requests to Amend Study Plan	2/3/2021	5.15(c)(4)
All Stakeholders	File Responses to Disagreements/Amendment Requests	3/5/2021	5.15(c)(5)
FERC	Issue Director's Determination on Disagreements/Amendments	4/4/2021	5.15(c)(6)
Appalachian	Second Study Season	Spring - Fall 2021	5.15(a)
Appalachian	File Preliminary Licensing Proposal (or Draft License Application)	10/1/2021	5.16(a)-(c)
All Stakeholders	File Comments on Preliminary Licensing Proposal (or Draft License Application)	12/30/2021	5.16(e)
Appalachian	File Updated Study Report	12/5/2021	5.15(f)
All Stakeholders	Updated Study Report Meeting	12/20/2021	5.15(f)

Responsible Party	Pre-Filing Milestone	Date	FERC Regulation
Appalachian	File Updated Study Report Meeting Summary	1/4/2022	5.15(f)
Appalachian	File Final License Application	2/28/2022	5.17
All Stakeholders	File Disagreements/Requests to Amend Study Plan	2/3/2022	5.15(f)
Appalachian	Issue Public Notice of Final License Application Filing	3/14/2022	5.17(d)(2)
All Stakeholders	File Responses to Disagreements/Amendment Requests	3/5/2022	5.15(f)
FERC	Issue Director's Determination on Disagreements/Amendments	4/4/2022	5.15(f)

Document Content(s)

Niagara 2466-034 SD1.DOCX.....1-37