



July 27, 2020

***VIA ELECTRONIC FILING***

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

**Subject: Niagara Hydroelectric Project (FERC No. 2466-034)  
First Quarterly Study Progress Report, Updated ILP Study Schedule, and  
Request for Extension of Time to File Initial Study Report**

Dear Secretary Bose:

Appalachian Power Company (Appalachian or Applicant), a unit of American Electric Power (AEP) is the Licensee, owner, and operator of the run-of-river 2.4 megawatt (MW) Niagara Hydroelectric Project (Project No. 2466) (Project or Niagara Project), located on the Roanoke River in Roanoke County, Virginia. The Project is currently undergoing relicensing following the Federal Energy Regulatory Commission's (FERC's or Commission's) Integrated Licensing Process (ILP).

The purposes of this filing are to (1) inform FERC and Project stakeholders of revised timeframes for conducting certain field activities to be performed pursuant to the approved ILP Study Plan for the Project and (2) request Commission approval of a modification to the approved ILP Process Plan and Schedule that would extend the filing deadline for the Initial Study Report (ISR) for the Project from December 5, 2020 to January 11, 2021. As further explained below, these modifications are required in light of ongoing and presently anticipated resource and schedule challenges associated with the ongoing Novel Coronavirus Disease (COVID-19) pandemic and are not expected to impact Appalachian's ability to timely file an application for a new license by the statutory deadline (February 29, 2024).

This filing also serves as Appalachian's First Quarterly Study Progress Report for the Project. This progress report describes the activities performed since this Study Plan Determination (SPD), as well as ILP activities generally expected to be conducted in quarter 3 (Q3) of 2020.

## **Background**

In accordance with 18 CFR §5.11 of the Commission's regulations, Appalachian developed a Revised Study Plan (RSP) for the Project that was filed with the Commission and made available to stakeholders on November 6, 2019. On December 6, 2019 FERC issued the Study Plan Determination (SPD). The RSP, as subsequently approved by the FERC, establishes Appalachian's proposed schedule to complete desktop and field activities and develop reports for the following studies. A proposed study schedule is included in the RSP for each of the studies listed below:

1. Flow and Bypass Reach Aquatic Habitat Study;
2. Water Quality Study;
3. Fish Community Study;
4. Benthic Aquatic Resources Study
5. Wetlands, Riparian, and Littoral Habitat Characterization Study;
6. Shoreline Stability Assessment Study;
7. Recreation Study; and
8. Cultural Resources Study.

## **Updated Study Schedule and Study Progress**

Appalachian's intent, at the time of filing the RSP, was to complete ILP study activities in the first ILP study season (2020) to the greatest extent possible. The study schedules were based on an expectation of commencing field work by early April and developing draft study reports and the ISR by early December 2020.

Appalachian commenced the Recreation Study in November 2019 and began capturing aesthetic flow documentation at that time. The Recreation Facility Inventory and Condition Assessment was completed in the fall of 2019. Additionally, Appalachian initiated the recreation visitor use online survey on April 27, 2020 and distributed notification of the availability of the online survey to interested agencies. Signs prompting visitors to complete the survey were installed at associated recreation facilities (Tinker Creek Canoe Launch, the Niagara Portage Put-In, and the Rutrough Road Canoe/Kayak Ramp) in June. Appalachian notes the National Park Service did not grant permission for installation of a similar sign at the Roanoke River Trail on National Park Service property.

Due to prevailing restrictions on non-essential travel and safety considerations for staff who would be traveling for and performing fieldwork, Appalachian and Appalachian's consultants have not been able to commence fieldwork for the other studies (i.e., studies requiring intensive periods of

fieldwork in the spring) as originally proposed in the RSP. Appalachian and Appalachian's consultants continue to monitor evolving conditions and presently anticipate commencing field study activities concurrent with this filing. As a result, conduct of several season-sensitive spring field studies will have to be deferred until the second (2021) study season, and the study period for the water quality study will be shortened (though notably is still expected to include the majority of the targeted low inflow and high temperature season). Other studies that would potentially have commenced in the spring or early summer are expected to be shifted in the mid- to late summer or fall seasons. On a resource allocation basis, Appalachian does not expect to be able to complete all of the required ILP study activities within the remaining study season. As such, Appalachian proposes to also shift the timing conducting studies that are more baseline condition-characterization in nature to 2021.

A detailed schedule is attached (Attachment 1), which shows the schedule proposed in the RSP alongside the revised proposed schedule.

Appalachian shared an earlier version of this table with the primary resource agencies (U.S. Fish and Wildlife Service, Virginia Department of Wildlife Resources, Virginia Department of Conservation and Recreation, and the Virginia Department of Environmental Quality) and conducted a conference call on June 29, 2020 to review the revised study schedule and solicit agency feedback and comments. Participants in this meeting concurred with Appalachian's proposed schedule revisions, and minor revisions to the schedule were made based on comments received during this meeting, as documented in the meeting summary included in Attachment 2.

### **Request for Extension of Time to File the ISR**

Because the study delays forced by COVID-19 conditions are expected to lead to significant field study activities continuing through the fall of 2020, it will not be feasible to develop draft study reports and a comprehensive ISR by the December 5, 2020 deadline if significant field study activities continue through the fall of 2020. Appalachian believes that a comprehensive ISR, inclusive of draft study reports where possible, will be to the benefit of the ILP process for this Project, as well as to Project stakeholders. As such, Appalachian is requesting that the deadline to file the ISR be extended to January 11, 2021. Appalachian does not propose and is not requesting any subsequent adjustment of the ISR deadline (December 5, 2021).

Appalachian notified the agencies listed above of Appalachian's intention to file a request for extension of time to file the ISR (and the subsequent shift of the ISR meeting and comment deadline into early 2021) during the June 29, 2020 conference call. As indicated in the attached meeting summary, participants in this meeting did not express any opposition to or concerns with this request.

Appalachian notes the extraordinary circumstances that have shifted the ILP study schedule for the Project and believes this request is consistent with recent guidance from the Commission and Commission staff regarding potential impacts of COVID-19 on non-statutory deadlines and required notifications to and approvals by FERC. Appalachian thanks the Commission staff for their consideration of this request and hopes that this filing finds Commission staff and Project stakeholders in good health.

If there are any questions regarding the RSP, please do not hesitate to contact me at (614) 716-2240 or by email [jmmagalski@aep.com](mailto:jmmagalski@aep.com).

Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan M. Magalski". The signature is written in a cursive style with a large initial "J" and "M".

Jonathan M. Magalski  
Environmental Specialist Consultant  
American Electric Power Services Corporation

Attachments (2)

cc: Distribution List

# Niagara Hydroelectric Project (FERC No. 2466) Distribution List

## Federal Agencies

Mr. John Eddins  
Archaeologist/Program Analyst  
Advisory Council on Historic Preservation  
401 F Street NW, Suite 308  
Washington, DC 20001-2637  
jeddins@achp.gov

Blue Ridge National Heritage Area  
195 Hemphill Knob Road  
Asheville, NC 28803

Park Headquarters  
Blue Ridge Parkway  
199 Hemphill Knob Road  
Asheville, NC 28803-8686

Ms. Kimberly Bose  
Secretary  
Federal Energy Regulatory Commission  
888 1st St NE  
Washington, DC 20426

FEMA Region 3  
615 Chestnut Street  
One Independence Mall, Sixth Floor  
Philadelphia, PA 19106-4404

George Washington and Jefferson National  
Forest  
5162 Valleypointe Parkway  
Roanoke, VA 24019

Mr. John Bullard  
Regional Administrator  
NOAA Fisheries Service  
Greater Atlantic Regional Fisheries Office  
55 Great Republic Drive  
Gloucester, MA 01930-2276

Mr. John A. Bricker  
State Conservationist  
US Department of Agriculture  
Natural Resources Conservation Service  
1606 Santa Rosa Road, Suite 209  
Richmond, VA 23229-5014

Mr. Harold Peterson  
Bureau of Indian Affairs  
US Department of the Interior  
545 Marriott Dr, Suite 700  
Nashville, TN 37214  
Harold.Peterson@bia.gov

Office of the Solicitor  
US Department of the Interior  
1849 C Street, NW  
Washington, DC 20240

Ms. Lindy Nelson  
Regional Environmental Officer, Office of  
Environmental Policy & Compliance  
US Department of the Interior, Philadelphia  
Region  
Custom House, Room 244  
200 Chestnut Street  
Philadelphia, PA 19106

Ms. Barbara Rudnick  
NEPA Team Leader - Region 3  
US Environmental Protection Agency  
1650 Arch Street  
Philadelphia, PA 19103-2029

Mr. Martin Miller  
Chief, Endangered Species - Northeast  
Region (Region 5)  
US Fish and Wildlife Service  
300 Westgate Center Drive  
Hadley, MA 01035

Ms. Cindy Schulz  
Field Supervisor, Virginia Field Office  
US Fish and Wildlife Service  
6669 Short Lane  
Gloucester, VA 23061

Mr. John McCloskey  
US Fish and Wildlife Service  
John\_mccloskey@fws.gov

Mr. Richard C. McCorkle  
Fish and Wildlife Biologist, Pennsylvania Field  
Office  
US Fish and Wildlife Service  
110 Radnor Road, Suite 101  
State College, PA 16801  
richard\_mccorkle@fws.gov

Ms. Elizabeth Merz  
US Forest Service  
3714 Highway 16  
Marion, VA 24354

## Niagara Hydroelectric Project (FERC No. 2466) Distribution List

Mr. Mark Bennett  
Center Director of VA and WV Water Science  
Center  
US Geological Survey  
John W. Powell Building  
12201 Sunrise Valley Drive  
Reston, VA 20192  
mrbennet@usgs.gov

Hon. Ben Cline  
US Congressman, 6th District  
US House of Representatives  
10 Franklin Road SE, Suite 510  
Roanoke, VA 24011

Mr. Michael Reynolds  
Acting Director, Headquarters  
US National Park Service  
1849 C Street, NW  
Washington, DC 20240

Ms. Catherine Turton  
Architectural Historian, Northeast Region  
US National Park Service  
US Custom House, 3rd Floor  
200 Chestnut Street  
Philadelphia, PA 19106

Hon. Tim Kaine  
US Senate  
231 Russell Senate Office Building  
Washington, DC 20510

Hon. Mark Warner  
US Senate  
703 Hart Senate Office Building  
Washington, DC 20510

Mr. Matthew Lee  
US Environmental Protection Agency  
lee.matthew@epa.gov

### **State Agencies**

Dr. Elizabeth Moore  
President  
Archaeological Society of Virginia  
PO Box 70395  
Richmond, VA 23255

Blue Ridge Soil and Water Conservation  
District  
1297 State Street  
Rocky Mount, VA 24151

Mr. Jess Jones  
Freshwater Mollusk Conservation Center  
Virginia Tech  
1B Plantation Road  
Blacksburg, VA 24061

Mr. Ralph Northam  
Governor  
Office of the Governor  
PO Box 1475  
Richmond, VA 23218

Mr. Paul Angermeier  
Assistant Unit Leader  
Virginia Cooperative Fish and Wildlife  
Research Unit  
Department of Fisheries and Wildlife  
Conservation - Virginia Tech  
106 Cheatham Hall  
Blacksburg, VA 24061  
biota@vt.edu

Mr. Benjamin Hermerding  
Secretary of the Commonwealth  
Virginia Council on Indians  
PO Box 2454  
Richmond, VA 23218  
benjamin.hermerding@governor.virginia.gov

Ms. Robbie Rhur  
Virginia Department of Conservation and  
Recreation  
600 East Main Street, 24th Floor  
Richmond, VA 23219  
Robbie.Rhur@dcr.virginia.gov

Ms. Rene Hypes  
Division of Natural Heritage  
Virginia Department of Conservation and  
Recreation  
600 East Main Street, 24th Floor  
Richmond, VA 23219  
rene.hypes@dcr.virginia.gov

Mr. Clyde Cristman  
Division Director  
Virginia Department of Conservation and  
Recreation  
600 East Main Street, 24th Floor  
Richmond, VA 23219

## Niagara Hydroelectric Project (FERC No. 2466) Distribution List

Ms. Lynn Crump  
FERC  
Virginia Department of Conservation and  
Recreation  
600 East Main Street, 24th Floor  
Richmond, VA 23219  
lynn.crump@dcr.virginia.gov

Mr. Tyler Meader  
Locality Liasion - Division of Natural Heritage  
Virginia Department of Conservation and  
Recreation  
600 East Main Street, 24th Floor  
Richmond, VA 23219  
nhreview@dcr.virginia.gov

Mr. Matthew Link  
Water Withdrawal Permit Writer  
Virginia Department of Environmental Quality  
PO Box 1105  
Richmond, VA 23218  
matthew.link@deq.virginia.gov

Mr. Andrew Hammond  
Water Withdrawal Permitting & Compliance  
Manager  
Virginia Department of Environmental Quality  
629 East Main Street  
Richmond, VA 23218  
andrew.hammond@deq.virginia.gov

Mr. Tony Cario  
Water Withdrawal Permit Writer, Office of  
Water Supply  
Virginia Department of Environmental Quality  
PO Box 1105  
Richmond, VA 23218  
anthony.cario@deq.virginia.gov

Mr. Scott Kudlas  
Director, Office of Water Supply  
Virginia Department of Environmental Quality  
PO Box 1105  
Richmond, VA 23218  
scott.kudlas@deq.virginia.gov

Mr. Brian McGurk  
Water Withdrawal Permit Writer  
Virginia Department of Environmental Quality  
PO Box 1105  
Richmond, VA 23218  
Brian.McGurk@deq.virginia.gov

Blue Ridge Regional Office  
Virginia Department of Environmental Quality  
3019 Peters Creek Road  
Roanoke, VA 24019

Mr. Chris Sullivan  
Senior Area Forester  
Virginia Department of Forestry  
900 Natural Resources Drive  
Charlottesville, VA 22903

Mr. Scott Smith  
Region 2 Fisheries Manager  
Virginia Department of Game and Inland  
Fisheries  
1132 Thomas Jefferson Road  
Forest, VA 24551  
scott.smith@dgif.virginia.gov

Ms. Julie Langan  
Director and State Historic Preservation  
Officer  
Virginia Department of Historic Resources  
2801 Kensington Avenue  
Richmond, VA 23221

Mr. Tim Pace  
Chairman  
Virginia Roanoke River Basin Advisory  
Committee  
PO Box 1105  
Richmond, VA 23218

### **Local Governments**

Ms. Anita McMillan  
Town of Vinton  
amcmillan@vintonVA.gov

Mr. Christopher Whitlow  
Interim County Administrator  
Franklin County Administration  
1255 Franklin Street  
Rocky Mount, VA 24151

Mr. Sherman P. Lea, Sr.  
Mayor  
City of Roanoke  
Noel C. Taylor Municipal Building  
215 Church Avenue  
Roanoke, VA 24011

## Niagara Hydroelectric Project (FERC No. 2466) Distribution List

Mr. Richard Caywood  
Assistant County Administrator  
County of Roanoke  
PO Box 29800  
5204 Bernard Drive  
Roanoke, VA 24018  
rcaywood@roanokecountyva.gov

Mr. David Weir  
County of Roanoke  
PO Box 29800  
5204 Bernard Drive  
Roanoke, VA 24018  
dweir@roanokecountva.gov

Mr. David Henderson  
Engineering  
County of Roanoke  
PO Box 29800  
5204 Bernard Drive  
Roanoke, VA 24018  
dhenderson@roanokecountyva.gov

Mr. Phil North  
Hollins Magisterial District  
5204 Bernard Drive, 4th floor  
Roanoke, VA 24014

Mr. David Radford  
Windsor Hills Magisterial District  
5204 Bernard Drive, 4th floor  
Roanoke, VA 24014

Ms. Paula Shoffner  
Executive Director  
Tri-County Lakes Administrative Commission  
400 Scruggs Road #200  
Moneta, VA 24121  
paulas@sml.us.com

Mr. Doug Blount  
Director  
Roanoke County Parks, Recreation and  
Tourism  
1206 Kessler Mill Road  
Salem, VA 24153  
dblount@roanokecountyva.gov

Ms. Lindsay Webb  
Parks Planning and Development Manager  
County of Roanoke  
1206 Kessler Mill Road  
Salem, VA 24153  
LWEBB@roanokecountyva.gov

Mr. Joey Hiner  
Town of Vinton  
311 S. Pollard St.  
Vinton, VA 24179  
jhiner@vintonVA.gov

Mr. Bo Herndon  
Town of Vinton  
312 S. Pollard St.  
Vinton, VA 24180  
wherdon@vintonVA.gov

Mr. Kenny Sledd  
Town of Vinton  
313 S. Pollard St.  
Vinton, VA 24181  
ksledd@vintonVA.gov

Western Virginia Water Authority  
601 South Jefferson Street  
Roanoke, VA 24011

### Tribes

Chief Bill Harris  
Catawba Indian Nation  
996 Avenue of the Nations  
Rock Hill, SC 29730

Deborah Dotson  
President  
Delaware Nation  
P.O. Box 825  
Anadarko, OK 73005

Chief Dean Branham  
Monacan Indian Nation  
PO Box 1136  
Madison Heights, VA 24572

Chief Robert Gray  
Pamunkey Indian Tribe  
1059 Pocahontas Trail  
King William, VA 23086

### Non-Governmental

American Canoe Association  
503 Sophia Street, Suite 100  
Fredericksburg, VA 22401



## Niagara Hydroelectric Project (FERC No. 2466) Distribution List

Mr. Kevin Richard Colburn  
National Stewardship Director  
American Whitewater  
PO Box 1540  
Cullowhee, NC 28779  
kevin@americanwhitewater.org

Headquarters  
Appalachian Trail Conservancy  
416 Campbell Ave SW #101  
Roanoke, VA 24016-3627

Blue Ridge Land Conservancy  
722 1st Street SW, Suite L  
Roanoke, VA 24016

Blue Ridge Parkway Foundation  
717 South Marshall Street, Suite 105 B  
Winston-Salem, NC 27101

Ms. Audrey Pearson  
Executive Director  
Friends of the Blue Ridge Parkway  
PO Box 20986  
Roanoke, VA 24018  
audrey\_pearson@friendsbrp.org

Friends of the Rivers of Virginia  
257 Dancing Tree Lane  
Hollins, VA 24019

Mr. Bill Tanger  
Chairman  
Friends of the Roanoke  
PO Box 1750  
Roanoke, VA 24008  
bill.tanger@verizon.net

Ms. Juanita Callis  
Director  
Friends of the Roanoke  
PO Box 1750  
Roanoke, VA 24008-1750

Mr. Mike Pucci  
President  
Roanoke River Basin Association  
150 Slayton Avenue  
Danville, VA 24540  
Roanoke River Blueway  
313 Luck Avenue SW  
Roanoke, VA 24016  
roanokeriverblueway@gmail.com

Ms. Amanda McGee  
Regional Planner II  
Roanoke Valley - Alleghany Regional  
Commission  
P.O. Box 2569  
Roanoke, VA 24010  
amcgee@rvarc.org

Ms. Liz Belcher  
Greenway Coordinator  
Roanoke Valley Greenway  
1206 Kessler Mill Road  
Salem, VA 24153  
liz.belcher@greenways.org

Mr. Steve Moyer  
Trout Unlimited  
1777 N. Kent Street, Suite 100  
Arlington, VA 22209

Upper Roanoke River Roundtable  
PO Box 8221  
Roanoke, VA 24014

Lorie Smith  
Smith Mountain Lake Association  
400 Scruggs Road #2100  
Moneta, VA 24121  
TheOffice@SMLAssociation.org

**ATTACHMENT 1**

**ILP STUDY SCHEDULE UPDATE**

**Table 1.** Proposed Changes to the 2020-2021 Study Plan Schedule for the Niagara Project (FERC No. 2466)

Proposed Changes to the 2020-2021 Study Plan Schedule for the Niagara Project (FERC No. 2466)			
Study	Activities	Approved Timeframe for Completion (RSP and SPD)	Proposed Timeframe for Completion (July 2020 update)
Flow and Bypass Reach Aquatic Habitat Study	Topographic Mapping and Photogrammetry Data Collection	Fall 2019	Completed (January 2020)
	Desktop Habitat Assessment	Spring 2020	July – September 2020
	Mesohabitat Mapping and Substrate Characterization Field Data Collection	Summer 2020	September – October 2020*
	Distribute Proposed Flow Test Scenario Framework to Interested Parties for Review	June/July 2020	August 2020
	Conduct Flow and Water Level Assessment and Hydraulic Model Development	June - October 2020	September – December 2020*
	Distribute Draft Study Report with the ISR	December 2020	January 2021
Water Quality Study	Study Planning and Existing Data Review	February – April 2020	July – August 2020
	Continuous and Monthly Water Quality Monitoring (Dissolved Oxygen and Temperature)	May – October 2020	July – October 2020
	Distribute Draft Study Report with the ISR	December 2020	January 2021
Fish Community Study	Study Planning and Existing Data Review	September 2019 – April 2020	July 2020
	Fish Community Study	August – October 2020	Late September - Early November 2020
	Roanoke Logperch Adult Surveys ( <i>spring sampling conditioned on receipt of waiver from USFWS for sampling within time-of-year restriction period</i> )	May – June 2020, August – October 2020	August – October 2020, May – June 2021
	Roanoke Logperch Young-of-Year Surveys	August – October 2020	August – October 2020
	Roanoke Logperch Larval Surveys	April – June 2020	April – June 2021
	Desktop Impingement and Entrainment Evaluation	December 2019 – November 2020	July – December 2020
	Distribute Draft Study Report with the ISR	December 2020	January 2021

\* Schedule for completion of fieldwork requiring minimum flow conditions in bypass reach is conditioned on replacement of the sluice gate as presently scheduled and planned by AEP for September 2020 (prior FERC approval required). Scheduled fieldwork that cannot be completed in the fall of 2020 due to this or any other conditions would be rescheduled for 2021 (as soon as possible in the 2021 field season, given required inflow and operating conditions).

**Proposed Changes to the 2020-2021 Study Plan Schedule for the Niagara Project (FERC No. 2466)**

<b>Study</b>	<b>Activities</b>	<b>Approved Timeframe for Completion (RSP and SPD)</b>	<b>Proposed Timeframe for Completion (July 2020 update)</b>
<b>Benthic Aquatic Resources Study</b>	Study Planning and Existing Data Review	November 2019 – February 2020	August – September 2020
	Benthic Habitat Assessment	March – October 2020	September – October 2020
	Macroinvertebrate and Crayfish Community Study	March – October 2020	September – October 2020, April – May 2021
	Mussel Habitat and Community Survey	April – October 2020	August – October 2020
	Distribute Draft Study Report with the ISR/USR	December 2020	January 2021/December 2021
<b>Wetlands, Riparian, and Littoral Habitat Characterization</b>	Desktop Mapping of Wetland, Riparian, and Littoral Habitats	September 2019 – March 2020	September 2020 – March 2021
	Field Verification of Preliminary Maps and Identified Wetlands, Riparian, and Littoral Habitat Characterizations	April – July 2020	April – July 2021
	Distribute Draft Study Report with the USR	December 2020	December 2021
<b>Shoreline Stability Assessment Study</b>	Study Planning and Data Review	September 2019 – March 2020	September 2020 – March 2021
	Shoreline Survey and Determination of Areas Potentially Needing Remediation	April – July 2020	April – July 2021
	Distribute Draft Study Report with the USR	December 2020	December 2021

**Proposed Changes to the 2020-2021 Study Plan Schedule for the Niagara Project (FERC No. 2466)**

<b>Study</b>	<b>Activities</b>	<b>Approved Timeframe for Completion (RSP and SPD)</b>	<b>Proposed Timeframe for Completion (July 2020 update)</b>
<b>Recreation Study</b>	Study Planning and Existing Data Review	November 2019 – March 2020	Completed
	Recreation Facility Inventory and Condition Assessment	November 2019	Completed
	Convene Meeting with Stakeholders	July – August 2020	September – November 2020
	Recreation Visitor Use Online Survey	May – October 2020	May 2020 – October 2021
	Recreational Use Documentation (2x/month)	May – October 2020	May – October 2021
	Aesthetic Flow Documentation (Quarterly)	November 2019 – November 2020	November 2019 – November 2020
	Recreational Flow Release Desktop Evaluation	August 2020 – October 2020	August 2020 – October 2020
	Distribute Draft Study Report with the ISR/USR	December 2020	January 2021/December 2021
<b>Cultural Resources Study</b>	Determination of Area of Potential Effect (APE)	January – June 2020	July – September 2020
	Background Research and Archival Review	January – June 2020	August 2020 – November 2020
	Phase I Reconnaissance Survey of APE	May – October 2020	April – July 2021
	Inventory of Traditional Cultural Properties	October 2019 – October 2020	September 2020 – October 2021
	Distribute Draft Study Report with the ISR/USR	December 2020	December 2021
	Historic Properties Management Plan (if necessary)	With the DLA or Preliminary Licensing Proposal	

**ATTACHMENT 2**

**JUNE 29, 2020 MEETING SUMMARY**

**From:** Elizabeth B Parcell <ebparcell@aep.com>  
**Sent:** Friday, July 17, 2020 3:54 PM  
**To:** Yayac, Maggie; Kulpa, Sarah; Jonathan M Magalski  
**Subject:** FW: Niagara Project Relicensing Study Schedule Update Meeting Notes  
**Attachments:** [EXTERNAL] Re: Niagara Project Relicensing Study Schedule Update Meeting Notes

**CAUTION:** [EXTERNAL] This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

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**From:** Elizabeth B Parcell  
**Sent:** Friday, July 17, 2020 3:37 PM  
**To:** 'McCorkle, Richard' <richard\_mccorkle@fws.gov>; 'McCloskey, John' <john\_mccloskey@fws.gov>; Brian McGurk (Brian.McGurk@deq.virginia.gov) <Brian.McGurk@deq.virginia.gov>; 'scott.smith@dgif.virginia.gov' <scott.smith@dgif.virginia.gov>  
**Cc:** Yayac, Maggie <Maggie.Yayac@hdrinc.com>; 'Kulpa, Sarah' <Sarah.Kulpa@hdrinc.com>; Jonathan M Magalski (jmmagalski@aep.com) <jmmagalski@aep.com>  
**Subject:** Niagara Project Relicensing Study Schedule Update Meeting Notes

Good afternoon,

Attached please find a draft summary of our discussion from a couple weeks ago regarding the updated ILP study schedules and request to FERC for extension of the deadline to file the ISR. We plan to include a copy of this summary in the upcoming FERC filing. Please provide any comments or questions on the attached summary as soon as you can get to it, or no later than the end of next week.

Thanks and happy Friday! Have a great weekend.

Liz



**ELIZABETH B PARCELL | PROCESS SUPV**  
[EBPARCELL@AEP.COM](mailto:EBPARCELL@AEP.COM) | D:540.985.2441 | C:540.529.4191  
40 FRANKLIN ROAD SW, ROANOKE, VA 24011

# Meeting Summary

Project: Niagara Hydroelectric Project (FERC No. 2466)

Subject: ILP Study Schedule Update

Date: Monday, June 29, 2020

Location: WebEx (10:00am-11:00am)

Attendees: Scott Smith (VDGIF)  
Rick McCorkle (USFWS)  
John McCloskey (USFWS)  
Brian McGurk (VDEQ)  
Jon Magalski (AEP)  
Liz Parcell (AEP)  
Sarah Kulpa (HDR)  
Maggie Yayac (HDR)

## **Introduction**

Liz (AEP) thanked everyone for being available to discuss the Niagara Project and explained that the purpose of the meeting would be to discuss the changes to the ILP study schedule due to COVID-19 travel restrictions and related concerns. Liz noted that a revised schedule was provided in the meeting invite.

## **Study Schedule Update**

- Sarah (HDR) explained that AEP is currently planning on initiating field studies in July and expects to continue field work through the fall, potentially into November if needed. Time-sensitive spring studies that were not able to be completed due to travel restrictions have been re-scheduled for the spring of 2021. AEP is aiming to collect field data this year in support of the bypass reach, aquatic resources, and water quality studies, where doing so is compatible with the remaining study season, and studies that are more baseline characterization in nature are being postponed to 2021. This will allow AEP and their consultants to appropriately allocate resources to priority studies.
- AEP plans on filing the revised schedule with FERC and will also be requesting an extension of time to file the Initial Study Report (from December 6, 2020 to January 11, 2021) and to conduct the Initial Study Report meeting. Sarah noted that this schedule change will not affect the schedule for filing of the Updated Study Report in 2021 or the overall licensing schedule. The extension is being requested to provide more time for AEP and their consultants to develop preliminary or draft study reports for filing with the ISR, following the completion of field activities this fall.
- AEP hopes to file the study schedule update and request for extension of time to file the ISR as soon as possible and is seeking agency feedback on the revised schedule and the request during this call.



- Sarah provided a high level overview of the revised schedule for ILP study activities, as described in the table distributed with the meeting invite and that will be filed with FERC.

#### **Flow and Bypass Reach Aquatic Habitat Study**

- LiDAR data and orthoimagery have been captured at the Niagara Project and HDR will be using this information to begin building the hydraulic model to support the Flow and Bypass Reach Aquatic Habitat Study (i.e. identify level logger placement, flow test scenarios, etc.). Additionally, the flow test scenario will be developed and sent to agencies for review and comment in August. Flow tests are scheduled to take place in October as long as the sluice gate replacement construction is complete by that time.

#### **Sluice Gate Replacement/ Draft Non-Capacity Amendment**

- The existing sluice gate operating system (hoist) is presently not operational, so the gate is being maintained in an open position to pass a minimum flow of 50 cfs at all times. Minimum flow (i.e., 8 cfs) conditions and the ability to control the release through the sluice gate are required to complete fieldwork for the Flow and Bypass Reach Aquatic Habitat Study. This will be achieved through replacement of the existing bottom-hinged leaf-type gate with a pneumatic Obermeyer gate in the existing sluice structure. This maintenance activity is the subject of the draft non-capacity amendment application that AEP distributed to agencies for review in May.
- Construction cannot begin on the replacement sluice gate until FERC has approved the non-capacity amendment. If the sluice gate replacement is not completed as scheduled this fall, fieldwork for the Flow and Bypass Reach Aquatic Habitat Study will be postponed until 2021 (as soon as feasible given Project inflow conditions).
- Sarah noted that to date AEP had received VDEQ and VDGIF's comments on the draft application. USFWS and VDEQ briefly discussed previous intent to perform internal modeling with respect to potential flow releases for the relicensing study, however VDEQ noted that was no longer planned. Liz forwarded to USFWS (Rick and John) a copy of VDEQ's comments on the draft application for reference.
- Rick asked about the capacity of the new Obermeyer gate and if it would be able to provide an appropriate range of minimum flows that may be tested or recommended through the relicensing.
  - Sarah noted that the Obermeyer gate is quite versatile and will be able to release the full range of the existing sluice gate, though likely in a more precise manner, particularly at the low end of flow releases. As shown in the combined minimum flow release plan and report included in the draft non-capacity amendment application, the capacity of the gate goes up to about 300 cfs under the normal reservoir range.
  - **Action Item:** USFWS will provide comments regarding the replacement of the gate within the week. (Note comments were provided by email July 2, 2020.)

- John (USFWS) explained that the threatened and endangered species portion of the Service's review would be best completed by AEP proceeding through the Virginia Field Office's online review process. **Action Item:** John to send the link for the online project review process. (Note link was provided after the call).
  - John explained that this process expedites projects that result in determinations of no effect or not likely to adversely affect listed species.
  - Sarah stated that AEP will initiate the online review process and may file the non-capacity amendment with FERC while this process and any response required from USFWS is pending.
- Scott (VDGIF) and Brian (VDEQ) recommended building more flexibility into the schedule for the Bypass Reach Study due to potential for delay of the fieldwork due to installation of the new gate. **Action Item:** HDR/AEP to update the revised schedule and/or include footnote regarding timing of studies conditioned on sluice gate replacement.

#### **Water Quality Study**

- Sarah reviewed the Revised Study Plan (RSP) requirements of the Water Quality Study for the Project (continuous and monthly monitoring at 7 locations).
- Sarah explained that under the updated study schedule water quality monitoring is expected to begin in late July and would proceed through October. HDR and AEP believe this will still sufficiently capture the low flow and high temperature period of the year.
- Discussion of whether the abbreviated monitoring period will be sufficient to complete the Water Quality Study. Scott noted that it would depend on the outcome of the data as to whether or not the shortened period would be representative and useful. Brian asked if the initial year was not sufficient would it be reasonable to do additional field data collection next year. Jon (AEP) noted that the second study season is available through the ILP and that the need for additional data collection would be evaluated and discussed in the ISR and during the ISR Meeting.
- The group concurred it is worthwhile to collect as much data as feasible for the remaining field season.

#### **Fish Community Study**

- Sarah explained that the Fish Community Study would still be conducted sometime in August or September (into October if needed). The schedule has not changed. Generally, agencies are interested in the cooler water temperatures and would appreciate AEP targeting a fall study.
- AEP plans on conducting the fall adult Roanoke logperch surveys within the same general timeframe as originally approved in the RSP. However, the time-sensitive spring/early summer adult Roanoke logperch survey would be pushed into next year.

- The young-of-year Roanoke logperch survey is proposed to be completed in the same timeframe as approved in the RSP (August-October 2020). USFWS and VDGIF agreed that minimum (i.e. 8 cfs) flow conditions are not required to complete this survey and that higher bypass reach flows may be more appropriate for this survey. Therefore the gate replacement is not a critical path activity for the aquatic surveys scheduled for this fall.
- The larval Roanoke logperch survey has been rescheduled for next spring.
- HDR plans on providing 2020 results in a preliminary study report that would also include a preliminary desktop impingement and entrainment study. The final Fish Community study report would be prepared at the end of 2021 as part of the Updated Study Report.
- Brief discussion in response to question raised by John (USFWS) about how the larval study results would be integrated into the desktop impingement and entrainment study. Methods for evaluating the results of the larval study have not been determined, as this is not a common licensing study. HDR and AEP do not expect to use USFWS's blade strike model or the larger methodology proposed for the desktop impingement and entrainment study to evaluate larval entrainment.
- Also in support of the desktop impingement and entrainment study, intake velocity measurements are scheduled for completion in 2020.

#### **Benthic Aquatic Resources Study**

- The Macroinvertebrate and Crayfish Study will proceed with the fall sampling this year, and the spring survey sampling season is being shifted to 2021.
- The mussel habitat and community survey window has been tightened up (still within the original timeframe proposed in the RSP), scheduled for completion in August – October 2020.

#### **Wetland, Riparian, and Littoral Habitat, Shoreline Stability and Cultural Studies**

- Desktop and fieldwork rescheduled for spring-summer 2021.

#### **Recreation Study**

- AEP began the online survey data collection in late April 2020 and it will likely extend through the 2021 recreation season.
- In-person observations will be postponed until 2021 to avoid close contact with recreation users and adhere to social distancing guidelines.
- Discussion of how this is likely an irregular recreation usage year (potentially a combination of higher and lower recreation use levels) due to the COVID-19.
- Desktop activities including the recreation flow release assessment are still expected to be completed this year for preliminary reporting in the ISR.
- AEP has an ongoing aesthetic flow documentation task that will wrap up in November.

**Other**

- AEP plans on submitting an update to FERC shortly and would like to mention that they've consulted with the agencies and that there was verbal agreement that there was no opposition.
- The agencies all agreed that they are in agreement with the schedule adjustments and AEP's request for extension of time to file the ISR.