

COVER SHEET

**FINAL ENVIRONMENTAL IMPACT STATEMENT FOR
AMENDMENT TO LICENSE**

HOLTWOOD HYDROELECTRIC PROJECT

Docket No. P-1881-050

Appendix B

**Comments on the Draft Environmental Impact Statement for the
Holtwood Hydroelectric Project**

Project No. 1881-050

FEIS

APPENDIX B

**COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT
STATEMENT
FOR THE
HOLTWOOD HYDROELECTRIC PROJECT
PROJECT NO. 1881-050**

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The U.S. Environmental Protection Agency (EPA) issued the notice of availability of the draft environmental impact statement (EIS) on July 18, 2008, and comments on the draft EIS were due on September 8, 2008.

In this appendix, we summarize the written comments received; provide responses to those comments; and indicate, where appropriate, how we modified the text in the final EIS. We group the comment summaries and responses by topic for convenience. The following entities filed comments on the draft EIS.

Commenting Entity	Filing Date
New York State Department of Environmental Conservation	August 7, 2008
U.S. Department of the Interior	August 12, 2008
America Whitewater	August 15, 2008
Pennsylvania Fish & Boat Commission	August 18, 2008
Exelon Corporation	August 18, 2008
Maryland Department of Natural Resources	August 25, 2008
National Marine Fisheries Service	September 8, 2008
U.S. Army Corps of Engineers	September 30, 2008

Statutory and Regulatory Requirements

Comment 1: The Department of the Interior (Interior) notes that under section 1.3, the draft EIS does not mention the Fish and Wildlife Coordination Act that provides the basic authority for the Fish and Wildlife Service's (FWS's) involvement in evaluating impacts to fish and wildlife from proposed water resource development projects.

Response: In section 1.3 of the EIS, we describe the sections of the Federal Power Act (FPA) that require the Commission to address and include Interior's fishway prescriptions and FWS's section 10(j) recommendations in any license amendment issued for the project. Our analysis is limited to the statutory and regulatory requirements that affect the Commission's licensing actions.

Comment 2: The Corps noted that it received the section 404 permit application from PPL on February 12, 2008, and requests that the EIS include a reference to the Rivers and Harbor Act of 1899 and section 404 of the Clean Water Act to section 1.3.

Response: We added the information about the section 404 permit to the table in section 1.3 and the status of the permit application to section 1.3.3 of the EIS. We did not include a reference to the Rivers and Harbors Act of 1899 because it does not affect the Commission's licensing actions.

Comment 3: Although Interior notes that there may not be any designated Essential Fish Habitat (EFH) affected by the proposed project, the federal fishery resource agencies still have an interest in the management of diadromous fish that use the freshwater habitat of the Susquehanna River and provide ecological, economic, and social benefits along the East Coast of North America.

Response: We understand the importance of the Susquehanna River as existing and potential freshwater habitat for diadromous species that occur along the Atlantic coast, and as the largest source of freshwater for the Chesapeake Bay, which supports many of these same species as well as other estuarine and marine species.

Comment 4: NMFS commented that both the federally listed (endangered) shortnose sturgeon and the candidate species Atlantic sturgeon have been documented downstream of the Conowingo Project, but because adequate sturgeon passage is not available at Conowingo, those species are unlikely occur between the Conowingo and Holtwood Projects or upstream of Holtwood. However, if either species is encountered at the Holtwood Project, the National Marine Fisheries Service (NMFS) should be informed. In addition, if suitable sturgeon passage occur, in the future at the Conowingo Project, coordination with NMFS will be required regarding the effects of the Holtwood Project on these species.

Response: If either the shortnose sturgeon or Atlantic sturgeon is encountered at the Holtwood Project, we will notify NMFS and coordinate with your agency as needed.

Comment 5: The Corps requested that section 1.3.5 of the EIS include a reference to the Bald Eagle Management and Monitoring Plan dated July 2008.

Response: This section deals with federally listed threatened and endangered species. We discuss the bald eagle management and monitoring plan in section 3.3.4.2 in our analysis of potential effects on special-status wildlife.

Proposed Action and Alternatives

Comment 6: Interior notes that section 2.1, *No-action Alternative*, should include the fact that the license term would not be extended to 2030 and relicensing would begin in 2009.

Response: We added this information to the description of the no-action alternative in section 2.1.

Comment 7: Interior notes that the description of the applicant's proposal in section 2.2, *Applicant's Proposal*, fails to mention the proposed license extension and points out that this information is important to the definition of the temporal scope of the draft EIS as defined on page 29 in section 3.2.2.

Response: Section 1 of the EIS clearly states that PPL requested an extension of its current license term of 16 years to 2030 based on the substantial costs of the proposed action and environmental measures. Based on the requested license term, we used 16 years as temporal scope of our cumulative effects analysis and as the period of analysis in our economic analysis. The Commission will determine the license term at the time it decides whether or not to approve the proposed action.

Comment 8: In reference to the last bullet on page 16 in section 2.2.1, PPL clarifies that it intends to continue to use the existing configuration of flashboards on Holtwood dam and to pass water through the existing 10-inch pipe on the dam to maintain the current rate of flow to the spillway area.

Response: We revised the text in section 2.2.1 of the final EIS to reflect PPL's intent to continue to use the existing configuration of flashboard and now include this revised proposed measure under proposed operational modifications.

Comment 9: PPL indicates that in a letter dated August 20, 2008, it has agreed to construct a wetlands mitigation project along Landis Run, Manheim Township, Lancaster County, and that details of this proposal will be provided to the Commission after it is finalized with the Pennsylvania Department of Environmental Protection (DEP).

Response: We revised the description of this proposed measure in section 2.2.1 of the final EIS and included this updated information in the analysis of wetlands mitigation in section 3.

Comment 10: PPL comments that the draft EIS did not include its proposed measure to provide moisture to the root zone of the white doll's daisy, a state threatened and endangered plant species, during the summer months.

Response: We acknowledge this oversight and, in response, we revised section 2.2.2 of the final EIS to include a bullet under proposed operational modifications describing this measure, and now provide an analysis of this measure in section 3.3.4, *Terrestrial Resources*.

Comment 11: The Corps requested that the final EIS include the following proposed measures: (a) all existing wetlands within the project area shall be accurately field-delineated and identified using orange construction fencing prior to the start of construction activities and up to the time that earth disturbance activities are completed and the site has been stabilized; (b) implement a minimum 5-year monitoring schedule at the wetland, stream and forested riparian planting mitigation sites; and (c) implement an approved Erosion and Sedimentation Control Plan.

Response: We note that PPL's proposal already includes erosion and sediment control plans, and we revised the final EIS to include the other two measures in section 2.2.1,

Proposed Facilities and Construction Activities, and section 2.2.3, Proposed Environmental Measures.

Engineering Review

Comment 12: PPL notes that it does not propose to construct barrier dams in the bypassed reach and requests that reference to barrier dams be deleted in the final EIS.

Response: We understand that PPL had proposed to install barrier dams in the draft Exhibit E, but has since eliminated this proposal based on concerns raised by resource agencies during consultation on this matter. We deleted the discussion of barrier dams in the final EIS.

Comment 13: The Corps commented that the draft EIS states that PPL proposes to use two retired ash basins located on PPL lands in Lancaster County on the hillside above the project for disposal of approximately 1,790,000 cy of excavated rock and fill and that the 404 permit application revisions dated August 21, 2008, indicate that basin # 1 is the primary disposal area and basin #2 indicates not available for disposal.

Response: We revised the final EIS to indicate that only one ash basin would be used for disposal of excavated rock.

Aquatic Resources

Comment 14: Exelon Corporation notes that the draft EIS at pages 17 and 52 characterizes PPL's commitment to release 800 cubic feet per second (cfs) or net inflow, whichever is less, as effective upon the later date of initiation of Unit 1 discharge to Piney Channel or initial operation of the planned exciter replacement units in the existing powerhouse. Exelon states that while this characterization is accurate, section 7 of the settlement agreement between PPL Holtwood and Exelon executed on May 5, 2008, further clarifies that in no event, however, shall the provision of these flows be delayed beyond 3 years after the date of the Commission's final order approving the Holtwood license amendment.

Response: We revised the description of the proposed operational modification in section 2.2.2 and in the water quantity analysis in section 3.3.3.2 of the final EIS to include this provision.

Comment 15: PPL notes that footnote number 22 on page 53 of the draft EIS states that the modeling did not include the 800-cfs minimum flow that recently was proposed as part of the Exelon-PPL Settlement Agreement. However, PPL notes that the minimum flow proposed in the PPL-Exelon settlement agreement is equal to 800 cfs or inflow and since it is inflow-based, it would not result in additional drawdown at Lake Aldred in the OASIS modeling.

Response: We revised the footnote number 22 on page 53 of the final EIS to reflect agreement with this comment.

Comment 16: Maryland Department of Natural Resources (Maryland DNR) notes that in table 9, the minimum flow from the Conowingo Project for the period of December 1 until the end of February is listed as 3,500 cfs. However, because this can be an intermittent flow with up to 6 hours of no flow for each 6 hours of flow at 3500 cfs, the daily average minimum flow is effectively 1,750 cfs, so the table should be corrected accordingly. PPL also made a similar comment about the minimum flows for the months of December, January, and February.

Response: We corrected table 9 in the final EIS to clarify the minimum flow for the months of December, January, and February.

Comment 17: Interior comments that while the description of inflow to the project on page 60 of the draft EIS is true over longer periods of time, the EIS should note the role of the Muddy Run reservoir in regulating water levels, for short periods, in the Conowingo reservoir and inflows downstream.

Response: We revised the text in the water quantity analysis in section 3.3.3.2 of the final EIS to indicate that the inflow and withdraw from the Muddy Run Pump-Storage Project has short-term effects on the reservoir level of the Conowingo reservoir.

Comment 18: Maryland DNR also notes on page 60 of the draft EIS that there is a statement that PPL would operate the amended project to release inflow to Lake Aldred, and indicates that this should be corrected to state that this inflow would be released to Conowingo Pond from Lake Aldred.

Response: We revised the text in the water quantity analysis in section 3.3.3.2 of the final EIS to state that during low flow conditions, the flow released to the Conowingo Project would be equal to the net inflow to Lake Aldred.

Comment 19: Interior points out an inconsistency on pages 67 and 68 regarding whether FWS established target survival rates for fish passage effectiveness, which, as pointed out on page 68, FWS did not.

Response: We corrected page 67 of the final EIS to clarify that the Interior fishway prescription does not include target survival rates.

Comment 20: The Pennsylvania Fish & Boat Commission, the New York State Department of Environmental Conservation, and Maryland DNR provide additional information about the value of providing for the upstream passage of resident fish, including walleye, during the fall. The agencies request that Commission staff reconsider the limited 1-year period of fall passage evaluation and ask that the Commission instead require evaluation over a 5-year period. The agencies base their request on the need to

(1) avoid atypical flow conditions that might occur during fall season, (2) better comport with the 5-year evaluation of resident fish passage during the spring, (3) average out the effect of year-class strength of a given species in the fall; and (4) better understand the recolonization of freshwater mussels via their fish hosts. The agencies note PPL's concern about potential damage to fish passage facilities operating during the fall and indicate that fall storms of a magnitude sufficient to cause damage to fish passage facilities operating during the fall occurred only 7 percent of the time over the past 75 years.

Response: We reconsidered the agency recommendations for fall fish lift operations for resident fish, based on the new information provided by the agencies. As a result, we changed our recommendation and now recommend 5 years of experimental fall fish lift operations. We revised the relevant sections of the final EIS to reflect the change in our recommendation.

Terrestrial Resources

Comment 21: The Corps commented that the draft EIS does not adequately address the avoidance and minimization of adverse effects on terrestrial resources that was accomplished as a result of early coordination with the resource agencies. The Corps also requested that Kleinschmidt, PPL's consultant, prepare a summary of the avoidance and minimization measures that were performed and that this information be incorporated in the final EIS.

Response: We revised the final EIS to address consultation during the application preparation process. The applicant did not provide the detailed information on avoidance and minimization measures that were performed as agreed to during consultation and therefore we did not include that information in the draft EIS. Our focus is on the measures proposed for the amendment and their environmental impacts.

Comment 22: The Corps commented that the discussion on wetlands is lacking in necessary detail, including functions and values and direct and indirect impacts

Response: We revised the final EIS to address wetland functions and values and direct and indirect impacts

Comment 23: The Corps requested that the final EIS include square footage/acreage of impacts in addition to cubic yards of material excavated and/or discharged into Waters of the United States, including wetlands, throughout the document

Response: We revised the final EIS to include square footage of effects on wetlands.

Comment 24: The Corps requested that the final EIS remove reference to wetland mitigation at the York Furnace site and provide additional detail about the current proposed mitigation package.

Response: We revised the final EIS to include details within PPL's current mitigation package. However, we did not remove reference to the York Furnace site because that discussion is part of the project history and provides context for comments received from some agencies.

Recreational Resources

Comment 25: American Whitewater commented on the number of days of whitewater boating provided for in the whitewater settlement agreement. American Whitewater notes that the rationale behind the whitewater settlement agreement may not be entirely clear, as evidenced by the descriptions of the proposed provision of whitewater boating flows on pages 109 and 110 of the draft EIS. American Whitewater clarifies that the provision of 264 hours is designed to mitigate for the loss of 33 days (33 x 8 hours per day = 264 hours) of whitewater boating and not 11 days as stated in the draft EIS. However, because boaters generally prefer more and shorter releases, the settlement agreement calls for the 264 hours of releases to be spread over an average of 68 days.

Response: We revised the final EIS to reflect this clarification.

Comment 26: American Whitewater questions the characterization in the draft EIS of the creation of two new whitewater features as enhancements. American Whitewater states that the constructed features, which are less valuable than natural features, simply provide 264 hours of paddling opportunities that approval of the license amendment would otherwise eliminate. Therefore, American Whitewater disagrees with the statement in the draft EIS that they would create enhanced whitewater boating conditions beyond those that currently exist within the area downstream of the spillway.

Response: We revised the final EIS to state that the creation of the two new whitewater features would replace features where use would be diminished by the reduced flows over the spillway.

Comment 27: PPL states that it does not understand the Commission staff rationale for requiring recreational use monitoring and annual reporting during the construction period. PPL states that the expected effect is that there would be no use of unavailable facilities on a temporary basis, and continued use, or potentially a temporary increase in use, of unaffected recreation facilities.

Response: Recreational use monitoring during the construction period would provide the means for the Commission staff to monitor the extent and duration of potential effects of the construction on recreational use associated with the project's recreational facilities and resources. This information would help Commission staff to ensure that adequate public recreational access is provided during the construction period. Therefore, we maintain our recommendation in the final EIS that PPL monitor recreational use at the project annually during the construction period.

Comment 28: PPL states its intent to submit to the Commission a plan to transfer up to 3,500 acres of PPL-owned lands, including project lands, to the Lancaster County Conservancy and its intent to develop a land management plan to assess recreational and preservation needs are appropriate, and anticipates, the development of this plan as a provision of the proposed lands transfer. PPL also states that it anticipates that it will propose to the Commission, with resource agency support, significant changes to management of project recreational facilities that will then require Commission reconsideration of the scope of future recreational monitoring and studies as outlined in the draft EIS.

Response: The draft and final EIS address the current proposal put forth by PPL. In the event that PPL files with the Commission additional proposal(s) related to project lands and recreational facilities, the Commission would assess those proposals at that time, including the potential needs for modification of future recreational monitoring and studies that may be required as part of a license.

Comment 29: PPL requests that the Commission staff reconsider the recommendation to submit in-water and in-the-dry blasting plans for approval prior to the initiation of construction, as this could delay construction activities that do not involve blasting.

Response: We revised the final EIS to recommend submission and approval of in-water and in-the-dry blasting plans prior to initiation of blasting activities, rather than prior to initiation of construction, as requested, with the understanding that blasting cannot begin until the Commission has approved the blasting plans.

Comment 30: In addition, as project plans continue to be revised, the final EIS needs to address the most recently revised plans, including the re-design of the Pequea Boat Ramp and the proposed compensatory wetland mitigation package.

Response: The EIS has been revised to reflect the most recent information submitted to the Commission related to the re-design of the Pequea Boat Ramp and the proposed compensatory wetland mitigation package.

Comment 31: Page 101, section 3.3.5.2, *Environmental Effects, Recreation Enhancements*—Your current descriptions for enhancements do not clearly identify the proposed impacts to Waters of the United States and adjacent forested riparian buffers in association with constructing of these enhancements. Specifically in regard to the Pequea Creek proposed improvements, the current proposal as described in your narrative does not identify any impacts. The current proposal for the Pequea Boat Ramp expansion would require the discharge of dredged or fill material into approximately 2.4 acres of the Susquehanna River for the construction of a boat ramp, handicap accessible pier and boat and trailer parking. The Corps has advised PPL that it should look to further minimize these impacts. PPL has agreed to redesign the Pequea Boat Ramp and parking to minimize impacts to Waters of the United States. The revised impacts should be clearly

addressed in the EIS as well as the direct and indirect impacts associated with the other recreational enhancements;

Response: We updated the EIS to include the revised PPL proposal, developed in consultation with resource agencies, to reduce the number of vehicle parking spaces to 18 spaces at the location where the 27 spaces were previously proposed. Discussions about the potential effects of the boat ramp expansion on wetlands are discussed in section 3.3.4.2, *Terrestrial Resources*.

Comment 32: Page 114, section 3.3.6.2, *Environmental Effects, Land Use*—Please elaborate on the primary and secondary impacts associated with your statement "Construction of temporary access roads would result in the removal of some trees." In this same section, you conclude that an effective plan should include five listed measures; however, you do not give a date for submission or implementation of this "Lands and Shoreline Management Plan." We recommend this be included in the final EIS and FERC license.

Response: We discuss the potential effects of the construction of the temporary access roads in section 3.3.4.2, *Terrestrial Resources*, and added a reference back to that section in the recreation effects discussion of the final EIS.

The final EIS discusses the management plans recommended by staff as part of the environmental assessment in the EIS document. The time for submittal of the plans to the Commission would be required in the license amendment order issued for the project. The time for implementation of the plans would be covered under the schedule proposed in the submitted plans, as approved by the Commission.

Cultural Resources

Comment 33: The Corps notes that the SHPO had not reviewed the additional recreational areas or the new wetland mitigation locations where previous surveys suggest high probability of archaeological material and had stated that PPL is conducting surveys of these areas in September 2008. The Corps requests that the findings of these additional surveys be addressed in the final EIS.

Response: We revised sections 1.3.7 and 3.3.7 of the EIS to expand the APE and indicate that PPL is conducting additional surveys and that SHPO review and comment are pending.

Comprehensive Development and Recommended Alternative

Comment 34: the Corps requested that the description of the Wetland Mitigation Plan be modified to state a suitable location for mitigation would be determined in consultation with the Corps and Pennsylvania DEP, and not FWS. The Corps also requested that this description of the Wetland Mitigation Plan include details present in

the current draft of the plan and that a complete applicant prepared mitigation package be incorporated in the EIS.

Response: The final EIS was modified to reflect this change in agencies to be consulted. A final Wetland Mitigation Plan has not been filed with the Commission, so no further details were added to the section of the final EIS. However, details of the current draft of the plan, as provided by the Corps, were included in the Affected Environment section and our analysis in section 3.3.4.

Comment 35: The Corps requests revising footnote 31 of the draft EIS to include the Corps.

Response: We revised the footnote in section 5.0 as requested.

Comment 36: The Corps comments that the list of proposed measures in section 5.0 of the EIS should include the dates for the submission of the various plans.

Response: The dates for submission of the various plans will be specified in the license conditions required in any order approving the amendment, and will be consistent with dates included in the COA.

Comment 37: The Corps suggests revising the first bullet under measures proposed by PPL in section 5 to include “approved” erosion and sediment control plans.

Response: We provide a footnote that indicates that final plans must be filed with and approved by the Commission.