

151 FERC ¶ 62,230  
UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Appalachian Power Company

Project No. 739-048

ORDER APPROVING RESERVOIR DRAWDOWN PLAN UNDER ARTICLE 405

(Issued June 30, 2015)

1. On June 5, 2015, Appalachian Power Company, licensee for the Claytor Hydroelectric Project No. 739 filed a Reservoir Drawdown Plan for Commission approval pursuant to Article 405 of the license.<sup>1</sup> The project is located on the New River, in Pulaski County, Virginia.

**Background**

2. Article 405 of the license requires the licensee to file, for Commission approval, a reservoir drawdown plan at least three months prior to implementing a non-emergency reservoir drawdown. The purpose of the plan is to minimize the impact of any project maintenance activity requiring a reservoir drawdown on aquatic resources in the project reservoir and downstream of the project, and to allow shoreline property owners sufficient time to plan shoreline maintenance activities.

3. Article 405 requires the licensee to prepare the plan after consulting with, the U.S. Fish and Wildlife Service (FWS), the Virginia Department of Game and Inland Fisheries (Virginia DGIF), the Virginia Department of Conservation and Recreation (Virginia DCR), the Virginia Department of Environmental Quality (Virginia DEQ), Pulaski County, the New River Valley Planning District Committee (New River Valley), and the Friends of Claytor Lake (Friends). The licensee must include with the plan documentation of consultation, copies of comments, and recommendations on the completed plan after it has been prepared and provided to the agencies, and specific descriptions of how the plan accommodated the agencies' comments. The licensee must allow a minimum of 30 days for the agencies to comment, and make recommendations before filing the plan with the Commission. If the licensee does not adopt a recommendation, the filing must include the licensee's reasons based on project-specific information.

---

<sup>1</sup> *Appalachian Power Company*, 137 FERC ¶ 62,258 (2011).

4. The licensee must notify the public and property owners along the shoreline by mail of the drawdown 45 days prior to implementing the drawdown to allow property owners sufficient time to plan shoreline maintenance activities. The notification must include rate (feet per day), limit in feet, and term of the drawdown. The Commission reserves the right to require changes to the plan. Upon Commission approval of the plan, the licensee must implement it, including any changes required by the Commission.
5. The Commission approved a previous drawdown plan in 2012 that allowed shoreline property owners enough time to conduct shoreline maintenance activities.<sup>2</sup> The Commission also approved a drawdown plan in 2014 that this plan mirrors;<sup>3</sup> however, the licensee canceled the drawdown at the request of Pulaski County due to problems with Pulaski County's water intake in the lake.

### **Licensee's Plan**

6. In its drawdown plan, the licensee proposes an impoundment drawdown of three feet from the normal impoundment elevation of 1,846 feet National Geodetic Vertical Datum (NGVD) to allow property owners to perform shoreline maintenance and construction activities. The drawdown would begin by lowering the impoundment elevation by one-foot per day starting on November 4, 2015, at 8:00 am, and continuing until the reservoir reaches 1,843 feet NGVD, by November 7, 2015, at 8:00 am. The duration of the drawdown would be nine days, including two weekends. The licensee would begin refilling the reservoir on November 15, 2015, at 10:00 pm, and return to normal elevation by November 18, 2015, at 10:00 pm. The licensee would inform the public about the drawdown at least 45 days prior to its implementation.
7. The licensee proposes to increase its efforts to measure and reduce impacts to mussels, within Claytor Lake, caused by the drawdown. The licensee would work with the Friends, Pulaski County, and the Virginia DGIF to encourage participation and to provide information about the drawdown and the importance of mussel salvage. This information will educate the public about mussel salvage through media, mailings, phone calls, and the internet. In addition, information will be gathered regarding Asian Clams, pistolgrip, and other mussels, by means of sending a questionnaire card to land owners and volunteers just prior to the drawdown.
8. The licensee proposes to assess the impact to mussels based on the information

---

<sup>2</sup> *Appalachian Power Company*, 141 FERC ¶ 62,008 (2012).

<sup>3</sup> *Appalachian Power Company*, 148 FERC ¶ 62,194 (2014).

collected during the drawdown. A mussel salvage event would take place on the first Saturday of the full drawdown to increase the number of dewatered mussels returned to the water. The licensee and the cooperating agencies would conduct meetings for organizers and team leaders prior to the event, during the event, and on Saturday morning prior to the arrival of volunteers. The licensee and the cooperating agencies would organize the event, and train and coordinate team leaders in mussel identification, location and data collection, site and volunteer selection, and logistics of the event. The licensee and cooperating agencies would select and prioritize sites based on likely mussel habitat and previous mussel findings. The licensee, the Friends, the Virginia DGIF, the Claytor Lake State Park, Pulaski County, and others would provide volunteers and team leaders, boat transportation, materials, meeting locations, and refreshments.

9. The Virginia DGIF would provide volunteer training prior to deployment in teams with team leaders on Saturday morning. The Virginia DGIF would provide three teams that had previous experience in mussel identification to identify and tally mussels by species. In addition, other volunteer teams would focus on counting and salvaging total numbers of mussels. The licensee proposes to base future drawdown plans on previous years' results, and to conduct drawdowns every other year to allow for mussel repopulation and shoreline maintenance.

### **Consultation**

10. The licensee consulted on the plan with the following agencies: the FWS, the Virginia DGIF, the Virginia DCR, the Virginia DEQ, the New River Valley, Pulaski County, and the Friends. The licensee provided a copy of the draft plan by an email dated April 17, 2015, to the agencies and stakeholders, and provided 30 days for comments. The Virginia DCR provided comments in an email dated April 25, 2015. The Virginia DCR states that the proposed plan does not affect any operations plans for Claytor Lake State Park and the park will use the drawdown to inspect dock structures and continue its shoreline stabilization efforts. The licensee did not receive any other comments regarding the proposed plan.

### **Review**

11. The licensee's drawdown plan is necessary to allow property owners to perform shoreline maintenance and construction activities. The licensee provided the agencies and stakeholders 30 days to comment on the draft drawdown plan as required under Article 405. The relatively slow drawdown and refill of the reservoir should minimize any adverse impacts to aquatic resources. In addition, performing the drawdown during the month of November, when temperatures are colder and vegetative and animal activities reduced, should minimize the impacts on recreation and on biological resources. The licensee, in cooperation with the resource agencies and stakeholders, is taking measures to reduce impacts to mussels within Claytor Lake caused by the

drawdown. The licensee has adequately consulted and involved the resource agencies, local governments, stakeholders, and residents along the Claytor reservoir. Based on our review, the licensee's plan to drawdown the Claytor reservoir by as much as three feet for a period of nine days during November 2015 should be approved.

The Director orders:

(A) This order approves the licensee's Reservoir Drawdown Plan filed on June 5, 2015, pursuant to Article 405 of the license for the Claytor Hydroelectric Project No. 739, to allow a drawdown of Claytor reservoir by as much as three feet, for a period of nine days during November 2015, in order to allow property owners to perform shoreline maintenance and construction activities.

(B) This order constitutes final agency action. Any party may file a request for rehearing of this order within 30 days from the date of its issuance, as provided in section 313(a) of the Federal Power Act, 16 U.S.C. § 825l (2012), and the Commission's regulations at 18 C.F.R. § 385.713 (2014). The filing of a request for rehearing does not operate as a stay of the effective date of this order, or of any other date specified in this order. Failure to file a request for rehearing shall constitute acceptance of this order.

Kelly Houff  
Chief, Engineering Resources Branch  
Division of Hydropower Administration  
and Compliance