

C.M. Sumner



# United States Department of the Interior



FISH AND WILDLIFE SERVICE  
176 Croghan Spur Road, Suite 200  
Charleston, South Carolina 29407

# RECEIVED

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FOSSIL & HYDRO  
OPERATIONS

Mr. James M. Landreth, Vice President  
Fossil & Hydro Operations  
South Carolina Electric & Gas Company  
111 Research Drive  
Columbia, SC 29203

Attn: Mr. William R. Argentieri

RE: COMMENTS, Draft Application for New License, Saluda Hydroelectric Project,  
FERC No. 516

Dear Mr. Landreth:

The U.S. Fish and Wildlife Service (USFWS) has reviewed the Draft Application for New License (DLA) submitted by South Carolina Electric & Gas (SCE&G) for the Saluda Hydroelectric Project (Project), FERC No. 516, for the Federal Energy Regulatory Commission's (Commission or FERC) Traditional Licensing Process (TLP). The following comments are submitted in accordance with the provisions of the Fish and Wildlife Coordination Act, as amended (16 U.S.C. §§ 661-667e); Section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. §§ 1531-1543); the Federal Power Act (16 U.S.C. § 791 *et seq.*); the Migratory Bird Treaty Act (16 U.S.C. §§ 1536, 1538); the National Environmental Policy Act (42 U.S.C. § 4321 *et seq.*); the Clean Water Act (33 U.S.C. § 1251 *et seq.*); the Electric Consumers Protection Act of 1986 (Pub. L. No. 99-495, 100 Stat. 1243); and the Energy Policy Act of 2005 (Pub. L. No 109-58).

## GENERAL COMMENTS

South Carolina Electric & Gas chose the Traditional Licensing Process offered by the FERC for the relicensing of the Project, and implemented an additional parallel stakeholder process. The stakeholder consultation process has been beneficial for this Project relicensing by providing valuable stakeholder input. Lake Murray and the Lower Saluda River are public resources, the licensing of which requires balancing the needs of the environment, industry, power generation, drinking water and recreation. It is the task of the FERC, in conjunction with the resource agencies, the general public, and the Licensee to provide for equitable, environmentally respectful use of these valuable resources.



The USFWS has been an active participant in the TLP, and Licensee's stakeholder relicensing process. The USFWS has fully participated as a member of the Water Quality Resource Conservation Group (RCG), Lake and Land RCG, Operations RCG, and the Fish and Wildlife RCG. Under the Fish and Wildlife RCG, the USFWS participated on smaller technical committees. The USFWS provided technical assistance in the Instream Flow and Aquatics Technical Working Committee (TWC), Mussels and Invertebrates TWC, Diadromous Fish TWC, Terrestrial TWC, and the Rare, Threatened, and Endangered TWC.

DLA Document. The Draft License Application is well written and logically organized providing for efficient reading and review. The DLA is missing pertinent information including the final results of studies, reports, and proposed protection, enhancement, and mitigation measures. We understand these elements will be included in the final license application to be submitted to the FERC. We look forward to reviewing the final document and providing our comments and recommendations. We will also be seeking adequate mitigation for impacts to fish and wildlife resources from continuing operation of the project

USFWS Goals and Objectives. The USFWS general management goals and objectives for the Lower Saluda River and Lake Murray are to protect and enhance a balanced, diverse fish community and the diversity of aquatic habitats on which that community depends, restore aquatic habitats for fisheries and freshwater mussels, as well as provide for the protection and recovery of threatened and endangered species. The Saluda Hydroelectric Project and other hydroelectric projects have disproportionately eliminated and cumulatively affected riffle and shoal habitats in the Saluda River watershed. Therefore, restoration, protection and/or enhancement of certain habitats types (i.e., riffles and shoals) are priority goals. Identification of opportunities for the protection and enhancement of valuable wildlife habitat including reservoir shoreline and buffers, and enhancing potential use of public trust waters for recreation are additional resource goals of the USFWS.

USFWS Mitigation Policy. The Service's Mitigation Policy as stated in the federal register Vol. 46(15): 7656-7663 reads:

"In the interest of serving the public, it is the policy of the U.S. Fish and Wildlife Service to seek to mitigate losses of fish and wildlife, their habitats, and use thereof from land and water developments."

In seeking mitigation the Service will first recommend avoidance and minimization of losses of fish, wildlife, and their habitats. If losses are likely to occur we will recommend measures to reduce or eliminate them over time. If losses are likely to continue to occur, we will recommend those losses be compensated by replacement of the same kind of habitat value so that the total loss of such in-kind habitat value will be eliminated.

## SPECIFIC COMMENTS

### Exhibit B

1.0 Project Operation. We recommend the final application include sections for Instream /Minimum Flow Regime, a Low Inflow and Drought Protocol, and a Project Maintenance Drawdown Protocol. The Instream Flow Regime should provide seasonal instream flows that protect and enhance instream habitats and aquatic species in the Lower Saluda River. The Low Inflow Protocol and Drought Protocol should provide measures to address situations of pre-drought and drought taking precautions to maintain flow in the LSR at these times, admittedly with possible reduced flows determined by the severity of the situation. This protocol should be developed within the Operations RCG and Aquatics RCG. A Maintenance Drawdown Protocol should be developed that outlines the process for drawing down the reservoir, with respect to the magnitude and duration of released flows relative to season. Situations that constitute an emergency and are not subject to the provisions of the Protocol should be identified.

### Exhibit E

3.0 Aquatic Resources. *Second paragraph;* The word “relative” should read “relatively.” Within the same paragraph the words “fall line” should be capitalized.

3.3 Diadromous Fish. *Page 3-5.* A sentence should be added that clarifies why diadromous fish are found in extremely low densities in the Lower Saluda River.

Page 3-5 and 3-6 Second paragraph. Page 3-5 describes the striped bass fishery in the LSR stating striped bass exceeding 50 pounds with reference to Hal Beard, SCDNR 2002. The same statement and reference are on the next page, 3-6. It is somewhat redundant and could be stated just once.

3.5 Freshwater Mussels. *Page 3-7.* A sentence reads, “15 native freshwater mussel species as occurring in Lake Murray, its tributaries, LSR, and the Upper Congaree River.” This implies that mussels were collected from the LSR which is incorrect. The LSR should be removed from the sentence or the sentence should be reworded.

3.7 Threatened and Endangered Species. *Page 3-9 Carolina Heelsplitter.* The Carolina heelsplitter has also been identified in Red Bank Creek and Halfway Swamp both tributaries to the Project.

3.9.2 Saluda Fish Entrainment and Turbine Mortality Analysis. *Page 3-23.* There is no mitigation proposed for the annual loss of fisheries resources at the Saluda Project from turbine induced entrainment and mortality. The USFWS recommends proposing mitigation measures in the final application.

3.9.4 Freshwater Mussel Survey of Lake Murray and the Lower Saluda and Upper Congaree Rivers. *Page 3-27.* A sentence reads, “Also noted was the greater abundance of mussels on the

Broad River side of the confluence area than on the Saluda River side indicating a limiting factor in this area also.” Considering that no mussels were located in the LSR and on the LSR side of the Congaree River, we believe it greatly suggests that water from the Project has impacted and eradicated mussel populations in the LSR. We believe mitigation should be proposed in the final application for impacts to freshwater mussels.

4.2 Rare, Threatened, and Endangered Species. We recommend management plans be developed for the rare, threatened, and endangered species that occur within the project boundary. These management plans should be included in the final license application.

5.3.2 Mapping of Environmentally Sensitive Areas. Page 5-19. The document states that the USFWS was unable to attend Environmentally Sensitive Area (ESA) mapping with SCE&G and SCDNR, however FWS biologist Amanda Hill participated in ESA mapping with SCDNR biologist Ron Ahle and contracted SCE&G employee, Norman Boatwright, on several occasions.

8.3 Applicant Proposed Mitigation (Shoreline Management) Page 8-14. The USFWS is concerned with the development of shoreline at Lake Murray, the loss of riparian resources, and has submitted multiple correspondences within the past decade on the subject. We are most concerned with rebalancing the current shoreline management classifications. The USFWS has participated in numerous meetings and discussions as a member of the Lake and Land Management TWC. We recommend and support the rebalancing plan as proposed by the natural resource agencies working group. We also recommend the following measures be incorporated into any shoreline management plan for the project, 1) no docks allowed within the Forest and Game Management Areas, 2) 100 ft vegetated, undisturbed buffer on fringeland sales, 3) increase width of shoreline needed to acquire a dock from 150 ft to 200 ft and, 4) fund and develop management areas for migrating and wintering waterfowl, as ordered by FERC.

Downstream Temperature Study Draft Report (May 2008). This study was requested by the USFWS to determine the extent of effects on downstream waters from the cold water releases from the Lake Murray Dam. The objective of this study was to analyze the differences in temperatures from the Saluda River and the Congaree River, and determine how far downstream in the Congaree River the temperature differences persisted before complete mixing. This draft report is lacking adequate analysis of the magnitude, duration, and variability of the cold water flows from the Saluda River. Discussion of the results and their implications are sparse. More discussion is needed concerning when, where, and for how long temperatures on the Saluda River side are significantly cooler, and relate it to Lake Murray Dam discharges, seasonality, and Broad River flows. We are seeking a more thorough and meaningful evaluation of the data in the final report.

## **Initial Statement**

Service List. The following names from the USFWS can be removed from the Service List: Roger Banks and Cynthia Bohn. Martha Bogle has also been replaced by Tracey Swartout as the Superintendent at the Congaree National Park.

We appreciate the opportunity to comment on the Draft License Application. If you have any questions please contact Ms. Amanda Hill of my staff at 843-727-4707 x 303.

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy N. Hall". The signature is written in a cursive style with a large initial "T".

Timothy N. Hall  
Field Supervisor

TNH/AKH