

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, DC 20426
November 24, 2008

Project No. 516-459 – South Carolina
Saluda Hydroelectric Project
South Carolina Electric & Gas Company

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

Reference: Deficiencies and Request for Additional Information

Dear Mr. Landreth:

Your license application for the Saluda Hydroelectric Project filed on August 28, 2008, fails to conform to the requirements of Federal Energy Regulatory Commission (FERC or Commission) regulations. A list of deficiencies is enclosed as schedule A. Under section 16.20(d) and 4.32(e)(1) of the regulations, you have 90 days to correct the deficiencies included in schedule A. If the correction of any deficiency causes other parts of the application to be inaccurate, that part also must be revised and refiled within 90 days.

Our initial review of your license also has revealed the need for additional information to complete our evaluation. At this time we are requesting that you submit the additional information specified in the enclosed schedule B to assist in our analysis of the project. Under section 4.32 (g) of the Commission's regulations, please file your responses to the additional information request (AIR) within the timeframes specified in the introductory paragraph in schedule B. If the required information in schedule B causes any other part of the application to be inaccurate, please revise that part and refile it by the due date.

Please be aware that further requests for additional information may be sent to you at any time before final action is taken by the Commission on your license application.

In response to our tendering notice issued on September 10, 2008, we received requests for additional studies from the Lake Murray Watch and Lake Murray Homeowners Association. We reviewed the additional study requests contained in the letters and are requesting additional studies where we determined there is a need for such

information. We will be issuing responses to the non-governmental organizations that submitted these additional study requests under separate cover.

In some items, we ask you to consult with agencies and provide their comments, your response to those comments, and evidence of consultation. Therefore, within 5 days of receipt, please provide a copy of this letter and the enclosed schedules A and B to all agencies you will consult in response to this AIR.

When you file the requested information with the Commission, please provide a complete copy of the information to each agency and other entity consulted, and to all parties on the service list. You should allow the entities consulted at least 30 days to respond before filing the additional information with the Commission. In your filing, you should include copies of all responses received from the entities you consulted, and tell us how you addressed any comments and recommendations made. If the entities you attempted to consult do not reply, provide us dated copies of your letters requesting consultation.

Please file an original and 8 copies of the above information with: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC 20426. The first page of the response should clearly show the project number 516-459. Your response may be filed electronically via the Internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the "e-Filing" link. The Commission strongly encourages electronic filings. For assistance, contact FERC Online Support at FERCOnlineSupport@ferc.gov, or toll free at 1-(866)-208-3676, or for TTY, (202)-502-8659.

Please contact Mr. Lee Emery at (202) 502-8379, or by e-mail at lee.emery@ferc.gov, if you have any questions concerning this request.

Sincerely,

Mark Pawlowski, Chief
Hydro East Branch 2

Enclosure: Schedules A and B

cc: Service List, Public Files

SCHEDULE A
DEFICIENCIES
SALUDA HYDROELECTRIC PROJECT FERC No. 516

Following is a list of deficiencies that we identified after reviewing your license application for the Saluda Hydroelectric Project. Please correct these deficiencies within 90 days from the date of this letter.

1. Minimum Hydraulic Capacity of Units

On page B-1 of Exhibit B, section 1.0, you state that the power plant usually operates with one unit on line at a minimum gate opening to provide downstream flow in the Saluda River. Section 4.51(c) requires that you provide both the minimum and maximum hydraulic capacity of the power plant in cubic feet per second. Therefore, please specify the minimum and maximum flow passed by each unit and provide the minimum amount of flow that can be discharged without operational problems such as cavitation occurring.

2. Exhibit G maps

Section 4.51(h) of the Commission's regulations requires that Exhibit G drawings conform to section 4.39 and that the project boundary enclose all project works and other features (including existing and proposed recreation facilities) that are to be licensed. We reviewed the Exhibit G maps that you have provided for the Saluda Hydroelectric Project as part of the license application. First, the maps provided in Exhibit G are not fully legible (see road labels and text below legends) and should be replaced with legible copies. Second, we need additional information and detail to adequately assess issues related to land ownership within the project boundary including any easements or land conveyances. Also, clearly show and label any areas that are proposed to be added or deleted from the project boundary. Please provide the following information:

- a.) The current Exhibit G maps do not provide land ownership information for lands included within, or adjacent to, the project boundary. Section 4.51(h)(4) requires that you identify by legal subdivision any lands within the project boundary that are (a) owned in fee by the applicant and lands that the applicant plans to acquire, and (b) for situations where the applicant has or plans to acquire rights to occupancy and use other than fee simple, including rights acquired or to be acquired by easement or lease. Please provide the required information for the area currently included within the project boundary.

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- b.) For any lands to be added to the project boundary (i.e., recreation lands, etc.), please identify the acreage; current ownership; current land rights to those lands, if any; and where necessary, the applicant's plans to acquire the lands in fee or through flowage rights, easement, or lease. Please also provide a schedule for any land acquisition and an estimate of any potential costs associated with the acquisition.

3. Project Boundary

According to 18 CFR §4.41(h), applicants are required to provide the project boundary data in a vector (or polygon) shape file and include bearings and distances from the fixed monuments (three known reference points). The geo-referenced electronic boundary data file must be positionally accurate to ± 40 feet to comply with National Map Accuracy Standards for maps at a 1:24,000 scale. The shape file must be accompanied by a separate text file describing the spatial reference for the geo-referenced data: map projection used (i.e., UTM, State Plane, Decimal Degrees, etc), the map datum (i.e., North American 27, North American 83, etc.), and the units of measurement (i.e., feet, meters, miles, etc.).

Please file a CD containing the geo-referenced project boundary data and include any revisions as requested throughout this additional information request. Please note that both Exhibits F and G data are to be provided on a CD. The exhibit drawings must also be viewable by a pdf file or equivalent viewing software.

4. Cost of Proposed Measures

On page D-5 of Exhibit D, you state that the cost information (capital and annual costs) for each proposed environmental measure would be filed with a comprehensive settlement agreement for the project. Section 4.51(e) of the Commission's regulations requires that you provide the capital and operations and maintenance (O&M) cost of each proposed environmental measure. Therefore, please provide the estimated capital and O&M cost of each proposed environmental measure along with any changes in annual generation (megawatt hours) that may be associated with each measure. You should include with these cost estimates (a) the cost of your proposed data recovery at the Tree House Site (38LX531); (b) a schedule and cost for survey of areas of archaeological sensitivity falling within South Carolina Electric & Gas Company-controlled property below the 360-foot contour line/maximum pool elevation as described in section 6.4 of your Historic Properties Management Plan (HPMP); and (c) costs associated with implementation of the HPMP.

SCHEDULE B
ADDITIONAL INFORMATION REQUESTS
SALUDA HYDROELECTRIC PROJECT FERC No. 516

Please file within 90 days from the date of this letter the following additional information. When you file this information with the Commission, you also should provide exact copies of the filings with the agencies that you consulted during the preparation of your license application.

1. Winter Minimum Pool Elevation Study

On page 2-35 of Exhibit E in your assessment of risks associated with raising the winter minimum pool elevation, you cite a study entitled “Whitepaper Regarding Increasing the Winter Minimum Pool Level for Normal Operations of Lake Murray” completed in 2008 by R.J. Ruane of Reservoir Environmental Management. This document is listed in your literature cited section but was not included in the application appendices. We recognize that conclusions drawing from this study are included in both the Exhibit E and in the appendix E-1 - Applications of the CE-QUAL-W2 Model for Lake Murray Relicensing Issues. However, please provide a copy of the entire document (Ruane, 2008) so as to assist us in our analysis of these conclusions.

2. Fish Kills

On page 2-31 of Exhibit E, comments from the Lake Murray Association suggest that a fish kill occurred at the project in 2007. There is no record of this fish kill in the Commission’s files, or that any such kill was reported. Please verify whether a fish kill occurred in 2007, and if so, please provide a report on the species killed; approximate numbers, time, and date of occurrence; probable cause of the kill; and location within Lake Murray where the fish kill occurred.

3. Wastewater Discharges

On page 2-49 of Exhibit E, table 2-1 lists major wastewater dischargers into watersheds of Lake Murray. Although it appears that most of these discharges do not discharge directly into Lake Murray, it is unclear if this is the case. Therefore, please verify whether any of these discharges flow directly into the lake. For discharges into the Lower Saluda River, please describe whether any of these discharges originate within the project-affected reach of the Lower Saluda River below the project dam or are within the project boundary.

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4. Fish Passage Options

On page 3-14 of Exhibit E, you state that the U.S. Fish and Wildlife Service (FWS) requested, as part of an out-migration study, that the spillway be evaluated for downstream passage. However, you conclude that the spillway is not an option for fish passage. Please describe whether the FWS has commented further on your decision that the spillway should not be considered as an option for fish passage.

5. Shortnose Sturgeon Management Program

On page 3-18 of Exhibit E, you state that a shortnose sturgeon management program would be prepared and implemented in the Lower Saluda River, but provide no details as to when that program would be prepared and what the program may entail. Because we will need to assess the project's potential effect on federally listed species, please provide us with (a) a schedule for developing the shortnose sturgeon management program and, (b) at a minimum, an outline of any measures that would likely be included in such a program, including estimated costs for the proposed measures.

6. Macroinvertebrate, Mussel, and Trout Programs

On pages 3-19, 3-20, and 3-46 of Exhibit E, you propose to implement a macroinvertebrate community monitoring program, a freshwater mussel restoration program, and a trout adaptive management program. You further state that these programs are currently being developed and would be filed as part of a comprehensive settlement agreement for the project. We will need to assess the environmental effects and costs of your proposed programs now, as opposed to waiting for an uncertain settlement agreement for the project to be filed. Your filing for each of these proposed programs must include a detailed description of any proposed measures, a proposed implementation schedule, and the estimated costs for the proposed measures.

7. Fish Mitigation Program

On pages 3-20 of Exhibit E, you mention that a fish mitigation program may be developed to address losses caused by turbine entrainment and mortality. You state that you are currently analyzing a proposal from the South Carolina Department of Natural Resources (South Carolina DNR), but that such a measure may be developed outside of the license and separate from any settlement agreement for the project. Please note that any measures involving changes in project structures or operations would require Commission approval, and the environmental effects and costs of those measures must be

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assessed by Commission staff. Any measures that may be proposed for addressing fish entrainment mortality must include a detailed description of any proposed measures, a proposed schedule for implementing the measures, and the estimated costs associated with the measures. In the event that no measures to address entrainment mortality are proposed, please provide an explanation of why no mitigation is proposed.

8. Low Inflow Protocol

On page 3-38 of Exhibit E, you discuss a Low Inflow Protocol (LIP), stating that a final LIP would be filed as part of the settlement agreement. We will need to assess the environmental effects and costs of any proposed LIP now, as opposed to waiting for an uncertain settlement agreement for the project to be filed. Therefore, please provide the details of any proposed LIP for the project, which must include a detailed description of the proposed protocol, a proposed implementation schedule, and the estimated costs for the proposed protocol.

9. Santee River Basin Accord

On page 3-43 of Exhibit E, you state that South Carolina Electric & Gas Company (South Carolina Company) is a participant in the Santee River Basin Accord for Diadromous Fish Protection, Restoration, and Enhancement (Accord). You also list several measures that may be implemented at the Saluda Project to benefit diadromous fish restoration, protection, and enhancement. It is not clear, however, what role South Carolina Company will play in implementing the provisions of the Accord, nor is it clear what specific measures are being proposed in your license application. Therefore, please describe your role in the Accord, as well as provide detailed descriptions of any proposed measures (including schedules, and estimated costs for the proposed measures).

10. Instream Flow Video

In Volume 1 (Binder 4 of 6) of your license application, (*see* the Meeting Notes for Instream Flow/Aquatic Habitat Technical Working Committee for November 27, 2006, page 4), you indicate that a videotape of the lower Saluda River habitat types was taken from a helicopter in the spring of 2005. Please file a copy of this videotape with the Commission, as it would help us to better understand the various habitat types in the Lower Saluda River downstream from the project under various flows conditions. The videotape would also assist in our analysis of your proposed minimum flows for the project.

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11. Bald Eagle Management Program

On page 4-9 of Exhibit E of your license application, you indicate that you did not provide bald eagle nest locations in your license application because of the sensitive nature of this information. In addition, in section 4.6.1 of Exhibit E of your license application, you provide some details of your proposed bald eagle management program. However, you indicate that the details of the final program would not be provided to the Commission until a comprehensive settlement agreement is filed. We will need to assess the environmental effects and costs of your proposed bald eagle management program now, as opposed to waiting for an uncertain settlement agreement for the project to be filed.

So that we may assess potential project effects on bald eagles, please provide both the bald eagle nest locations and the final bald eagle management program. Bald eagle nest locations should be filed with the Commission as privileged information because of the sensitive nature of this information. Your final bald eagle management program should include: (1) a matrix of activities and the required distance of those activities from bald eagle nest sites; (2) methods for identifying new nests and incorporating those nests into the management program; (3) any on-going or proposed public awareness and education programs; (4) all consultation with the FWS and the South Carolina DNR related to this program; (5) a proposed schedule for implementing the program; and (6) the estimated costs for any proposed measures.

12. Rare, Threatened and Endangered (RTE) Assessment Consultation

On pages 4-16 and 5-20 of Exhibit E of your license application, you make reference to an email from Amanda Hill of the FWS to Shane Boring of Kleinschmidt Associates dated September 25, 2007, regarding FWS' comments on your RTE Assessment. We were unable to locate this email in Volume 2, Consultation Record, of your license application. Therefore, please provide a copy of this correspondence, or direct us to its location in the application.

13. Wood Stork Management Program

On page 4-17 of Exhibit E of your license application, you state that you plan to provide the details of a wood stork management program with the Commission when you file a comprehensive settlement agreement. We will need to assess the environmental effects and costs of any proposed wood stork management program now, as opposed to waiting for an uncertain settlement agreement for the project to be filed.

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So that we may assess the project's potential effects on the wood stork, please submit a final wood stork management program, which should include: (1) details of any ongoing wood stork monitoring or surveys; (2) details of any public wood stork awareness or education programs; (3) any consultation with FWS and South Carolina DNR related to this wood stork management program; (4) a proposed schedule for implementing the program; and (5) the estimated costs for any proposed measures.

14. Waterfowl Mitigation Measures

On pages 4-18 and 4-19 of Exhibit E of your license application, you indicate you are working with the FWS and the South Carolina DNR to develop a proposal for a new waterfowl management and hunting area to replace or offset waterfowl areas that have been lost as a result of land sales. You also indicate that waterfowl use of the project area has declined, potentially as a result of project operations and management. You indicate that you plan to provide the details of a waterfowl enhancement plan when you file a comprehensive settlement agreement. We will need to assess the environmental effects and costs of any proposed waterfowl enhancement plan now, as opposed to waiting for an uncertain settlement agreement for the project to be filed. If you would like this proposed waterfowl enhancement plan to be considered as part of this relicensing, you should file the details of the waterfowl enhancement plan, including: (1) the location of the new waterfowl area in relation to the project boundary; (2) details of the management of the proposed area; (3) any consultation with FWS and South Carolina DNR related to this measure; (4) a proposed schedule for implementing the provisions of the plan; and (5) the estimated costs for any proposed measures included in the plan.

15. Rocky Shoals Spider Lily Enhancement Program

On page 5-20 of Exhibit E of your license application, you indicate that you plan to provide details of a rocky shoals spider lily enhancement program when you file a comprehensive settlement agreement. We will need to assess the environmental effects and costs of any proposed rocky shoals spider lily enhancement program now, as opposed to waiting for an uncertain settlement agreement for the project to be filed. To facilitate our assessment of the project's potential effects on the rocky shoals spider lily, please include in the final rocky shoals spider lily enhancement program: (1) a description of any on-going monitoring; (2) a description of any protection or enhancement measures proposed for known or newly identified populations; (3) a description of any public awareness or education measures for the rocky shoals spider lily; (4) any consultation with the FWS and the South Carolina DNR related to this program; (5) a proposed

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schedule for implementing the program; and (6) the estimated costs for any proposed measures that are part of the program.

16. Aquatic Plant Management Council Memorandum of Understanding (MOU)

On page 5-21 of Exhibit E of your license application, you indicate that you are consulting with the Aquatic Plant Management Council (Council) to develop a MOU to formalize your cooperation with the Council in managing aquatic plants within the project area. You state that you would file this MOU when you file a comprehensive settlement agreement.

We will need to assess the environmental effects and costs of your proposed management activities for aquatic plants now, as opposed to waiting for an uncertain settlement agreement for the project to be filed. To facilitate our assessment of the project's potential effects on aquatic plants, please provide details of any proposed measures you would implement to manage aquatic invasive plants, including: (1) a description of any proposed monitoring of aquatic invasive plant populations; (2) a description of any proposed aquatic invasive management techniques; (3) identification of the entities responsible for implementing any aquatic invasive management techniques; (4) a description of any public awareness or education measures to prevent the spread of aquatic invasive plants; (5) copies of any additional consultation with the Council and other stakeholders with regard to aquatic invasive plant management; (6) a proposed schedule for implementing any aquatic invasive plant management measures; and (7) the costs for any proposed measures. You also should file a copy of the MOU, either separately or along with any settlement agreement filed in this proceeding.

17. Floodplain Riparian Vegetation Along The Congaree National Park

On page 5-22 of Exhibit E of your license application, you indicate that project operations are potentially affecting floodplain riparian vegetation in the Lower Saluda River, including the downstream Congaree National Park. You state that you are currently entertaining proposals on operational changes that may have beneficial effects on the Congaree National Park. You also state that preliminary recommendations were expected from the National Park Service by September 2008, and that any recommendations for changes in the operation of the project would be filed with the Commission for consideration and/or implementation in the new license.

We will need to assess the environmental effects and costs of any proposed measures to protect or enhance floodplain riparian vegetation along the Lower Saluda

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River now, as opposed to waiting for an uncertain settlement agreement for the project to be filed. For us to assess the project's potential effects on riparian vegetation and the Congaree National Park, please file the details for any preliminary recommendations you received from the National Park Service, and any proposed enhancement measures you may propose related to operational changes at the project. You also should file an analysis of the effects of these changes on vegetation along the Lower Saluda River and within the Congaree National Park.

18. Recreation Plan

In Exhibit E, page 7-47, of your license application, you state that a draft Saluda Recreation Plan is being developed by the Recreational Technical Working Committee (TWC), and is scheduled to be finalized in the winter of 2008. You provide a preliminary list of proposed enhancement measures in section 7.9 of Exhibit E, including measures for enhancing existing recreation facilities and new recreation facilities.

We will need to assess the environmental effects and costs of any proposed measures and activities outlined in your recreation plan. Therefore, please file the recreation plan. You should include, in the plan, the following information, at a minimum: (1) a description of the proposed enhancement measures for existing recreation sites; (2) a description of proposed new recreational facilities (be sure to include recreational facilities in a revised Exhibit G map and to distinguish existing recreational facilities from proposed); (3) a description of the entity responsible for implementing the proposed measures, who would own the recreation facilities, and who would operate and maintain the recreation facilities; (4) a schedule for implementing the provisions of the proposed plan; (5) the estimated costs for the individual measures included in the plan; (6) a description of whether the existing and proposed facilities are within or outside of the project boundary, including a map denoting the location of all the proposed measures along with the existing project boundary; (7) a description of any consultation conducted in the development of the recreation plan and an explanation if you do not agree with any of the comments and recommendations that you received; (8) a description any future monitoring of recreational facilities and use at the project and for the update of the Recreation Plan; (9) the location of the commercial and private recreation sites; and (10) the accessibility of public, commercial, and private boat ramps at existing and proposed boat levels.

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19. Downstream Recreation Flow Study

In Appendix E6 of your license application, you provide a copy of the Downstream Recreation Flow Assessment Report, dated November 2007. However, this report is missing the following Appendices:

- Appendix E – HEC RAS Flow Model Analysis Tables
- Appendix F – Flow Duration Curves from HEC RAS Flow Model Analysis

We need this information to conduct our assessment of the flows available during the study period, as well as to determine what flows may be appropriate to protect and/or enhance the recreational boating experience on the Lower Saluda River. Therefore, please file copies of the missing appendices.

20. Recreation Flows

You indicate on page 7-46 of Exhibit E of your license application, that as a part of the Recreation TWC's issue resolution agreements for recreational flows, a preliminary agreement has been reached on a set of recreation flows and a total yearly amount of flow (quantified in acre-feet) that would be provided. You indicate that this agreement would be filed with the Commission with the settlement agreement for consideration and inclusion in the new license. We will need to assess the environmental effects and costs of any proposed set of recreational flows now, as opposed to waiting for an uncertain settlement agreement for the project to be filed.

In Exhibit E, page 7-51, you state that South Carolina Company is also working with the Recreation Resource Conservation Group (RCG) to establish recreational flow releases on the Lower Saluda River to support on-water activities, such as wade angling and whitewater boating. You indicate that the target flow releases of between 700 cubic feet per second (cfs) and 1,000 cfs would be scheduled and provided for 5 to 9 hours per day, for a total of 32 days over the course of a year, to support wade angling activities. You state that these flows are sufficiently low to also provide opportunities for swimming, tubing, and rock hopping. In addition, you indicate that flow releases for whitewater activities, including kayaking events and rafting, are scheduled for 3 to 9 hours per day, for a total of 19 days annually, and would range from just over 2,000 cfs to 10,000 cfs for Canoeing for Kids events. Additional flow releases between 8,000 cfs and 15,000 cfs, which are tentatively scheduled for 11 days annually, are being evaluated for swift water rescue training.

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For us to accurately assess your proposal, please confirm if the flows described above are the recreational flows you plan to include in any settlement agreement, or if you plan to propose alternative flows. Either way, please provide a description of your proposed recreation flows, including the amount (cfs), timing (month/weekday/weekend), and duration (hours) of the flows, as well as the estimated costs (capital and O&M costs) associated with providing your proposed recreational flows.

21. Recreational Safety Warning Systems

On page E-751 of Exhibit E of your license application, you indicate that South Carolina Company is working with the Safety RCG to determine the appropriate locations to install additional warning sirens and strobes along the Lower Saluda River. Locations currently identified for receiving additional warning systems include Sandy Beach, upstream of Metts Landing, Corley Island, Gardendale, I-20 Bridge, River's Edge/Oh Brother Rapids, Ocean Boulevard, and Stacey's Ledge. In addition, you indicate that you plan to include a warning siren installation plan in the comprehensive settlement agreement for consideration and inclusion in the new license.

We will need to assess the environmental effects and costs of any proposed warning siren installation plan now, as opposed to waiting for an uncertain settlement agreement for the project to be filed. For us to assess your proposal, please file the warning siren installation plan. The plan should include detailed information for any proposed warning systems, including a description of the type, location, and associated capital and O&M costs for these systems, as well as an implementation schedule.

22. Shoreline Management Plan

On page 8-88 of Exhibit E of your license application, you describe various proposed changes to your Shoreline Management Plan and Shoreline Permitting Policies. In appendix E-7, you state that the Lake Murray Shoreline Management Handbook and Permitting Guidelines and the Lake Murray Shoreline Management Plan would be filed once public review has been completed. To date, your proposed Shoreline Management Plan and Permitting Guidelines have not been filed with the Commission. To assist us in evaluating the merits of the proposed changes to the Shoreline Management Plan and Permitting Guidelines, please file these items.

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23. Archaeological Site Monitoring

In section 6.3 of your HPMP, you state that an archaeologist would examine the condition of sites 38SA150 and 38SA244 during major drawdowns, as well as perform a surface collection and additional testing as required under section 6.B of the HPMP. So that we can analyze your proposed measures, please clarify the following:

- a) Is the above-referenced surface collection and additional testing to be undertaken repeatedly (as is suggested by the wording in the HPMP) or on a one-time basis? Is this additional work for the purposes of determining these sites' eligibility for the National Register or for another purpose?
- b) Please explain why these two sites would be monitored no more than once every 5 years (even if major drawdown events below elevation 350 feet plant datum occur more frequently than that), while you propose to monitor 24 other sites once every 2 years.

24. Tree House Site

In section 6.1 of the HPMP you indicate that data recovery at the Tree House Site (38LX531) has been completed, and that the recovered artifacts are being catalogued. Please provide us with a schedule for completing and submitting the study report. If the final report is not completed by the time you file your response to our additional information request, please file an interim report that includes survey data and your preliminary findings. The report should be filed as sensitive and non-public.

Document Content(s)

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