

FEDERAL ENERGY REGULATORY COMMISSION  
WASHINGTON, D.C. 20426  
July 26, 2023

OFFICE OF ENERGY PROJECTS

Project No. 2459-279 – West Virginia  
and Pennsylvania  
Lake Lynn Hydroelectric Project  
Lake Lynn Generation, LLC

VIA FERC Service

Jody Smet  
Lake Lynn Generation, LLC  
7315 Wisconsin Avenue, Suite 1100W  
Bethesda, Maryland 20814

**Reference: Additional Information Request**

Dear Ms. Smet:

On April 24, 2023, Lake Lynn Generation, LLC filed responses to Commission staff's additional information requests (AIRs) issued on January 24, 2023. Based on the responses to the AIRs and ongoing review of the associated filings,<sup>1</sup> we need additional information on your relicense application for this project. Pursuant to section 4.32(g) of the Commission's regulations, please provide the additional information requested in the enclosed Schedule A within 45 days from the date of this letter. If the requested information causes any part of the application to be inaccurate, that part must be revised and refiled by the due date.

Within 5 days of receipt, provide a copy of this letter to all agencies you will consult in response to this additional information request. Then, when you file the requested information with the Commission, you must provide a complete copy of the information to each agency consulted under 18 C.F.R. section 16.8 of the Commission's regulations.

The Commission strongly encourages electronic filing. Please file the requested information using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.aspx>. For assistance, please contact FERC Online Support at

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<sup>1</sup> Responses to the AIRs included revisions to various sections of the license application (e.g., Exhibits A, B, E, F, and G).

FERCOnlineSupport@ferc.gov, (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, D.C. 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P-2459-279.

Please contact Allan Creamer at (202) 502-8365, or via email at [allan.creamer@ferc.gov](mailto:allan.creamer@ferc.gov), if you have any questions.

Sincerely,

Stephen Bowler, Chief  
South Branch  
Division of Hydropower Licensing

Attachment: Schedule A – Request for Additional Information

**SCHEDULE A**  
**REQUEST FOR ADDITIONAL INFORMATION**

***Project Boundary***

1. On pages E-3-4 and E-3-5 of the revised Exhibit E, filed on April 24, 2023, in response to Commission staff's January 24, 2023, Additional Information Request (AIR), Lake Lynn Generation, LLC (Lake Lynn Generation) provides a revised Table 3.1, *Summary of Areas Proposed for Removal from the Lake Lynn Project Boundary*. Although the revised table provides additional detail regarding the reason for removal for each parcel, the table does not indicate what the original project purpose was and why these areas are no longer necessary to fulfill that purpose, as requested in staff's January 24, 2023, AIR. It is not clear from the revised Exhibit E if any of the land proposed for removal was originally included in the project boundary as mitigation land, to preserve wildlife habitat, or for other potential project purposes. Therefore, please provide a more detailed description of the original project purpose for all the areas proposed for removal from the project boundary. Explicitly identify any mitigation land and land designated to preserve wildlife habitat and provide a detailed explanation as to why those areas are no longer needed to serve the original intended project purpose. Please be sure to include the managed tree plantation. Moreover, to facilitate our review of the proposal to remove land from the project boundary, please describe any potential effects to terrestrial, recreation, and aesthetic resources from removing these areas from the project boundary.

***Coastal Zone Management Act***

2. On page E-2-3 of the revised Exhibit E filed on April 24, 2023, in response to Commission staff's January 24, 2023, AIR, Lake Lynn Generation requested a Coastal Zone Management Act certification of consistency from the Pennsylvania coastal zone management program office. If Lake Lynn Generation has received this certification of consistency, please provide a copy.

***Water Resources***

3. On page E-4-16 of the revised Exhibit E filed on April 24, 2023, in response to Commission staff's January 24, 2023, AIR (Item 9), Lake Lynn Generation describes the standard operating procedure used to maintain tailrace dissolved oxygen (DO) concentrations above 5.0 milligrams per liter (mg/L). As part of the procedure, Lake Lynn Generation operates Unit 2 when DO concentrations are less than 6.0 mg/L and generation load is less than 5 megawatts because Unit 2 has

an air entrainment feature. Please provide a detailed description of the air entrainment feature that is incorporated in Unit 2, and indicate if any other generating units at the power station have such capabilities.

4. Lake Lynn Generation's response to Commission staff's January 24, 2023, AIR Item 9 includes DO and generation data for periods before, during, and after initiating the standard operating procedure to ensure DO does not go below 5.0 mg/L. While this data highlights low-DO periods, it does not describe the DO concentration at which the standard operating procedure is initiated, or the progression through the different stages. To facilitate staff's review of this DO enhancement measure, please revise Appendix D to label the data to show when the standard operating procedures were initiated, and when each stage of the procedures was implemented.

### ***Aquatic Resources***

5. On page E-4-60 of the revised Exhibit E filed on April 24, 2023, in response to Commission staff's January 24, 2023, AIR, Lake Lynn Generation states that it "follows best practices for drawdown and refill regimes when maintenance drawdowns are required," and that it "consults with pertinent resource agencies regarding the timing and duration of periodic maintenance drawdowns." However, the response does not describe what the "best practices" are, or provide details regarding the maintenance drawdowns. Please describe: (a) the "best practices" followed when implementing a maintenance drawdown; and (b) details for the maintenance drawdowns under the current license, including, how often maintenance drawdowns have occurred, how long have the drawdowns lasted, and what has been the magnitude of the drawdowns. Finally, describe any known effects to aquatic and terrestrial resources associated with the drawdowns under the current license and any changes proposed for the drawdown procedure under any new license.

### ***Terrestrial Resources and Threatened and Endangered Species***

6. On page E-4-63 of the revised Exhibit E, filed on April 24, 2023, in response to Commission staff's January 24, 2023, AIR, Lake Lynn Generation provides Table 4.18, *Botanical Communities within the Existing and Proposed Lake Lynn Project Boundary*. Among the botanical communities listed in the table is 2.86 acres that are "Managed Tree Plantation." Table 4.18 indicates that Lake Lynn Generation proposes to remove the majority of this area (i.e., 2.67 acres) from the project boundary. However, neither the license application, nor the revised Exhibit E provides information about the managed tree plantation.

To facilitate staff's review of the effects of existing vegetation management on terrestrial resources, as well as threatened and endangered species within the project boundary, and the proposed removal of the managed tree plantation from the project boundary, please provide the following information: (a) the location of this managed tree plantation; (b) the tree species and size class(es) in the plantation; (c) the methods (including frequency) of harvesting and managing the plantation, including manual, mechanical, and chemical treatments, along with any specific best management practices used to prevent erosion and protect streams; (d) a description of any measures to protect wildlife, particularly ESA-listed species, such as surveys and/or time-of-year restrictions on harvesting trees; (e) the entity who manages the tree plantation; and (f) any potential effects to the resources in the area associated with its proposed removal.

7. On page E-4-78 of the revised Exhibit E filed on April 24, 2023, in response to Commission staff's January 24, 2023, AIR, Lake Lynn Generation provides a description of invasive plants and noxious weeds at the project. This section indicates that the invasive species that are common in the area of the Lake Lynn Project include Japanese knotweed, garlic mustard, tree-of-heaven, and oriental bittersweet. Neither the license application, nor the revised Exhibit E describes the location or extent of the occurrence of these species within the project boundary. To facilitate staff's review of existing vegetation types within the project boundary, please describe the locations of the species mentioned above, as well as the extent of their coverage, within the project boundary. In addition, please specify where these species occur in areas in which Lake Lynn Generation manages vegetation, within the fluctuation zone associated with project operation, and/or in areas proposed for removal from the project boundary.

### ***Recreation***

8. On page E-3-12 of the revised Exhibit E filed on April 24, 2023, in response to Commission Staff's January 24, 2023, AIR, Lake Lynn Generation states that provisions to remove the moratorium on private boat docks and piers would be outlined in a Shoreline Management Plan that would be developed within 1 year of any license that may be issued for the project. To facilitate staff's review of the moratorium, please indicate when Lake Lynn Generation would lift the moratorium on private boat docks and piers on Cheat Lake, or reasons why the date cannot yet be determined.
9. On page E-4-103 of the revised Exhibit E filed on April 24, 2023, in response to Commission Staff's January 24, 2023, AIR, Lake Lynn Generation describes their proposal to remove the 12-acre water-accessible Nature Viewing Area from the

Lake Lynn Project boundary. Lake Lynn Generation mentions that they reached out to the West Virginia DNR to discuss the agency's opposition to the removal of the 12-acre Nature Viewing Area from the project boundary. Please file a copy of any related correspondence from West Virginia DNR.

### ***Cultural Resources***

10. In Commission staff's January 24, 2023, AIR, we requested documentation of concurrence on the Area of Potential Effects (APE) for the Lake Lynn Project with the West Virginia State Historic Preservation Office (SHPO) and Pennsylvania SHPO. The consultation record that was included in the revised Exhibit E filed on April 24, 2023, does not include a record of concurrence on the APE. Please provide a record of consultation with the West Virginia State Historic Preservation Office (SHPO) and Pennsylvania SHPO, including concurrence on the APE. Our January 24, 2023, AIR letter also asked for a discussion of how the proposed removal of lands from the Lake Lynn Project APE could affect cultural resources. Please provide an analysis of the effects of the potential removal of lands from the project boundary on known historic properties.
11. In order for us to better understand the location of the known historic properties in relation to the lands proposed for removal, please provide (as Privileged, if appropriate) Geographic Information System (GIS) layers, including digital elevation models, if available, depicting the location of these eligible and potentially eligible properties in relation to the APE.
12. In section 4.11.2.1 of the revised Exhibit E filed on April 24, 2023, in response to Commission Staff's January 24, 2023, AIR, Lake Lynn Generation did not provide the requested information regarding the potential effects to known cultural resources within the APE for the Lake Lynn Project. For us to understand any such potential impacts to these known cultural resources, please discuss how the proposed removal of lands from the project boundary, and, thus, from federal protection, which could create an adverse effect, would affect these resources. In addition, please describe any measures proposed to mitigate for such potential effects, if applicable. Finally, please include any correspondence related to potential effects to known resources, including mitigation measures, with the West Virginia SHPO and Pennsylvania SHPO.

***Environmental Justice***

13. On page E-4-130 of the revised Exhibit E filed on April 24, 2023, in response to Commission Staff's January 24, 2023, AIR, Lake Lynn Generation identifies environmental justice communities within 1 mile of the Lake Lynn Project. However, the 2020 American Community Survey 5-year estimate data was used. The most recent available 5-year estimate data is 2021 5-year estimate data. In order to provide the most current results, please use the 2021 5-year estimates to update section 4.14, *Environmental Justice*, of Exhibit E.

***Developmental Resources***

14. In order for Commission staff to complete its economic analysis of each relicensing alternative (i.e., no action, applicant's proposal, staff alternative, staff alternative with mandatory conditions), please provide the following information.
- (a) Given that the Lake Lynn Project is primarily used to provide energy during peak demand periods each day, please provide the hours of peaking generation for each season or period the generation changes, and the ratio of peak hour production to off peak hour production for the project.
  - (b) Please describe the most likely alternative source of power, and provide the production and size [megawatt-hours (MWh) and megawatts (MW)] of the most likely power source that would replace the generation at the Lake Lynn Project.
  - (c) Provide the following values in 2023 \$: (1) the net book investment; (2) the estimated annual costs of the project (sections 4.1 through 4.5 of Exhibit D of the license application, including Table D-1); and the cost of the license application (section 7.0 of Exhibit D).
  - (d) The license application, on page B-5, section 2.2, appears to be intended to present the dependable capacities for the summer and winter periods, but it only has place holders for this information. Please (a) provide the dependable capacity for the summer and winter periods, (b) specify the exact timeframes for those periods, and (c) explain the methodology used to determine the dependable capacity.