

FEDERAL ENERGY REGULATORY COMMISSION
Washington, DC 20426
February 23, 2024

OFFICE OF ENERGY PROJECTS

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

VIA FERC Service

Subject: Scoping Document 2 for the Lake Lynn Hydroelectric Project, P-2459-279

To the Parties Addressed:

The Federal Energy Regulatory Commission (Commission) is reviewing the license application, filed on November 30, 2022, by Lake Lynn Generation, LLC (Lake Lynn Generation), for relicensing the Lake Lynn Hydroelectric Project (Lake Lynn Project, or project) (FERC No. 2459). The project is located on the Cheat River, near the City of Morgantown, in Monongalia County, West Virginia, and near the Borough of Point Marion, in Fayette County, Pennsylvania.

Pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended, Commission staff will prepare either an environmental assessment or an Environmental Impact Statement (collectively referred to as the “NEPA document”), which will be used by the Commission to determine whether, and under what conditions, to issue a new license for the project. To support and assist our environmental review, we are conducting scoping to ensure that all pertinent issues are identified and analyzed, and that the NEPA document is thorough and balanced.

Our preliminary review of the scope of environmental issues to be addressed in our NEPA document was contained in Scoping Document 1 (SD1), issued on August 24, 2023. We requested comments on SD1 and held scoping meetings on September 25, 2023, to hear the views of all interested agencies and entities on the scope of issues that should be addressed in the NEPA document. Based on comments from these scoping meetings and written comments we received during the scoping process, we have updated SD1 to reflect our current view of issues and alternatives to be

considered in the NEPA document. ***Key changes from SD1 to Scoping Document 2 (SD2) are identified in bold, italicized type.***

SD2 is being distributed to both Lake Lynn Generation's distribution list and the Commission's official mailing list (*see* section 7.0, *Mailing List*, of the attached SD2). If you wish to be added to, or removed from, the Commission's official mailing list, please send your request by email to FERCOnlineSupport@ferc.gov. In lieu of an email request, you may submit a paper request. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852. All written or emailed requests must specify your wish to be added to, or removed from, the mailing list, and must clearly identify the following on the first page: **Lake Lynn Hydroelectric Project (P 2459-279)**.

The enclosed SD2 supersedes SD1. SD2 is issued for informational use by all interested entities; no response is required. If you have any questions about SD2, the scoping process, or how Commission staff will develop the NEPA document for the project, please contact Allan Creamer, the Commission's relicensing coordinator for the project, at (202) 502-8365, or at allan.creamer@ferc.gov. Additional information about the Commission's licensing process and the Lake Lynn Project may be obtained from the Commission's website, www.ferc.gov.

Enclosure: Scoping Document 2

SCOPING DOCUMENT 2

LAKE LYNN HYDROELECTRIC PROJECT
(FERC NO. 2459-279)



Federal Energy Regulatory Commission
Office of Energy Projects
Division of Hydropower Licensing
Washington, DC

February 2024

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SCOPING DOCUMENT 2

Lake Lynn Hydroelectric Project (FERC No. 2459-279)

1.0 INTRODUCTION

The Federal Energy Regulatory Commission (Commission or FERC), under the authority of the Federal Power Act (FPA),¹ may issue licenses for terms ranging from 30 to 50 years for the construction, operation, and maintenance of non-federal hydroelectric projects. On November 30, 2022, Lake Lynn Generation, LLC (Lake Lynn Generation), filed an application for a new license for the Lake Lynn Hydroelectric Project (Lake Lynn Project, or project). The project is located on the Cheat River, near the City of Morgantown, in Monongalia County, West Virginia, and near the Borough of Point Marion, in Fayette County, Pennsylvania (figure 1).

The Lake Lynn Project has a total authorized capacity of 51.2 megawatts (MW) and an average annual generation of 144,741 megawatt-hours (MWh), based on the period of record from 2012 through 2021. A detailed description of the project is provided in section 3.0, *Proposed Action and Alternatives*.

¹ 16 U.S.C. §§ 791(a)-825(r).

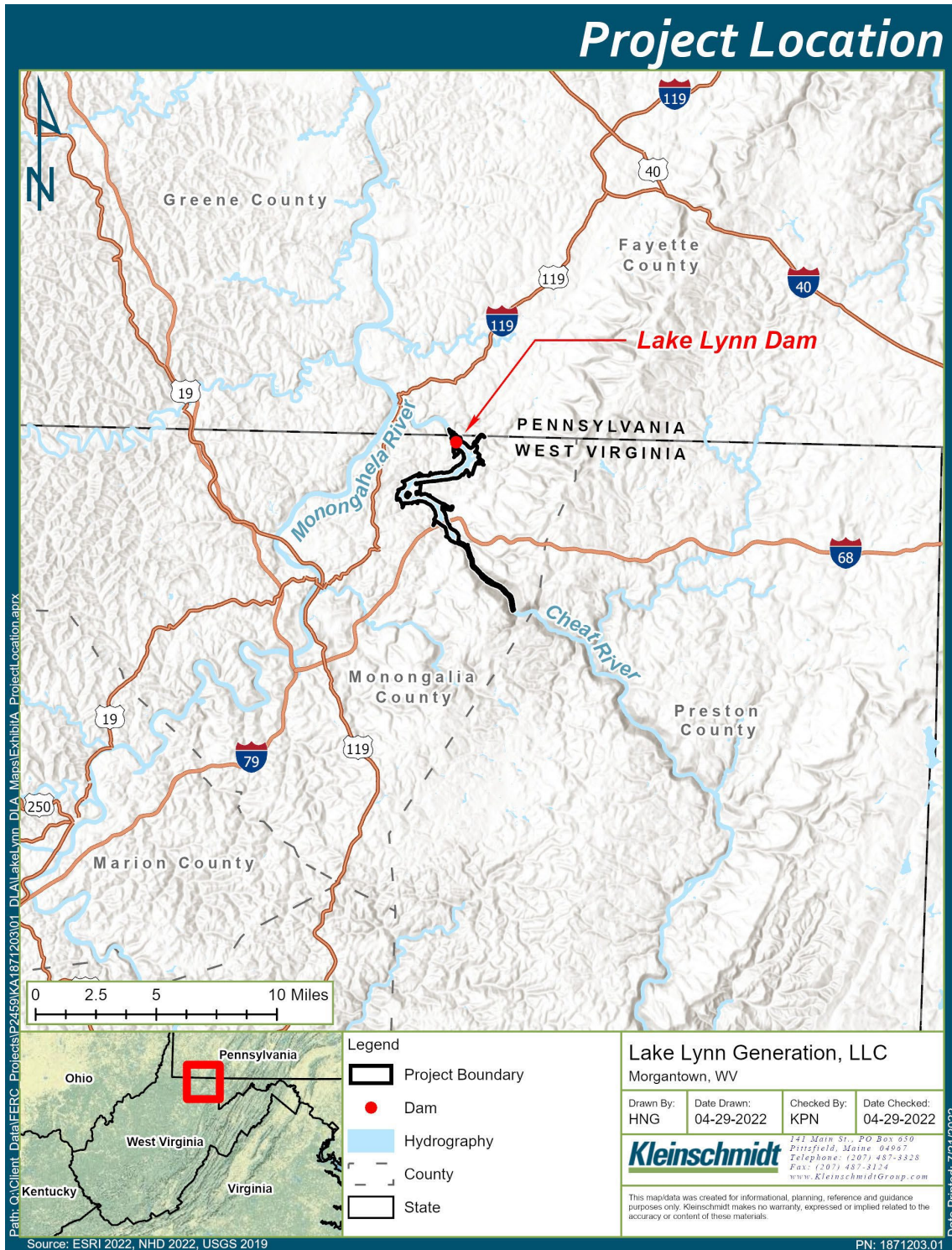


Figure 1. Location of the Lake Lynn Hydroelectric Project. (Source: License Application, Exhibit A).

The National Environmental Policy Act (NEPA) of 1969,² the Commission's regulations, and other applicable laws require that we independently evaluate the environmental effects of relicensing the Lake Lynn Project as proposed, and consider reasonable alternatives to the proposed action.³ We will prepare either an environmental assessment (EA) or an environmental impact statement (EIS) (collectively referred to as the "NEPA document") for the project that describes and evaluates the probable effects, if any, of Lake Lynn Generation's proposed action and alternatives. The decision on whether to prepare an EA or EIS will be made once we determine the scope of effects and measures under consideration. The Commission's scoping process will help determine the required level of analysis and satisfy the NEPA scoping requirements, irrespective of whether the Commission prepares an EA or an EIS.

2.0 SCOPING

This Scoping Document 2 (SD2) is intended to advise all participants as to the proposed scope of the Commission's NEPA document and to seek additional information pertinent to this analysis. This document contains: (1) a description of the scoping process and current processing schedule for the license application; (2) a description of the applicant's proposed action and alternatives; (3) a preliminary identification of environmental issues; and (4) a preliminary list of comprehensive plans that are applicable to the project.

2.1 PURPOSES OF SCOPING

Scoping is the process used to identify issues, concerns, and opportunities for enhancement or mitigation associated with a proposed action. In general, scoping should be conducted early in the planning stage of a project. The purposes of the scoping process are as follows:

² 42 U.S.C. §§ 4321-4370(f).

³ On April 20, 2022, the Council on Environmental Quality (CEQ) issued a final rule, *National Environmental Policy Act Implementing Regulations Revisions* (Final Rule, 87 Fed. Reg. 23453-70), which was effective as of May 20, 2022. Commission staff intends to conduct its NEPA review in accordance with CEQ's new regulations. We note that the CEQ recently published a Notice of Proposed Rulemaking to revise its regulations implementing NEPA, including to implement the Builder Act amendments. 88 Fed. Reg. 49,924 (July 31, 2023). The Commission will monitor this proceeding to inform the Commission's practices going forward.

- invite participation of federal, state, and local resource agencies, Native American Tribes, non-governmental organizations (NGOs), and the public to identify significant environmental and socioeconomic issues related to the proposed project;
- determine the resource issues, depth of analysis, and significance of issues to be addressed in the NEPA document;
- identify how the project would or would not contribute to cumulative effects in the project area;
- identify reasonable alternatives to the proposed action that should be evaluated in the NEPA document;
- solicit, from participants, available information on the resources at issue; and
- determine the resource areas and potential issues that do not require detailed analysis during review of the project.

2.2 SCOPING COMMENTS

Commission staff issued Scoping Document 1 (SD1) on August 24, 2023, to enable resource agencies, Native American Tribes, and other interested parties to participate more effectively in, and contribute to, the scoping process. In SD1, we requested clarification of preliminary issues concerning the project and identification of any new issues that need to be addressed in the NEPA document. We revised SD1 following review of comments received during the scoping comment period, which ended on October 25, 2023. SD2 presents our current view of issues and alternatives to be considered in the NEPA document. To facilitate review, ***substantive changes from SD1 to SD2 are identified in bold, italicized type.***

Commission staff held two scoping meetings in Morgantown, West Virginia on September 25, 2023, and attended an environmental site review of the project on September 26, 2023. A court reporter recorded oral comments made during both scoping meetings.⁴ In addition to the oral comments received at the scoping meetings, written comments were received from the following agencies and entities:

⁴ See transcripts and transcript errata for the scoping meetings issued October 16, 2023.

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<u>Commenting Entity</u>	<u>Filing Date</u>
Upper Monongahela River Association	September 15, 2023
Steven Knudsen	September 25, 2023
Justin Earle	September 25, 2023
Steven Ball	September 27, 2023
Paula Hunt	October 2, 2023
Barbara Roberts	October 10, 2023
U.S. Environmental Protection Agency (EPA)	October 19, 2023
Alan and Tammy Simms	October 23, 2023
Jay Mullen	October 23, 2023
Clover Wright	October 23, 2023
David Sanders	October 23, 2023
Owen Mulkeen, Friends of the Cheat	October 23, 2023
Delbert Royce	October 23, 2023
Friends of the Cheat	October 23, 2023
Morgantown Dog Owners Group	October 23, 2023
Eric Snyder	October 24, 2023
Judith Delagarza	October 24, 2023
Michael Green	October 24, 2023
West Virginia Department of Natural Resources (West Virginia DNR)	October 25, 2023
West Virginia Department of Environmental Protection (West Virginia DEP)	October 25, 2023
Susan Gordon	October 25, 2023
Andrzej Jaworski	October 25, 2023
Monongalia County Commission	October 25, 2023
Gabriella Horvath	October 25, 2023
Cheat Lake Environment & Recreation Association (CLEAR)	October 25, 2023
Katie Fallon, Avian Conservation Center of Appalachia	October 25, 2023
Dr. Steven Selin	October 25, 2023
Charity Grimm Krupa ⁵	October 26, 2023
Save Cheat Lake Campaign	October 25, 2023
Blaise Hollot	October 27, 2023
CLEAR, on behalf of the Monongalia County Planning Commission	October 30, 2023
Robert Tower	October 31, 2023
Ann Chester, CLEAR	November 2, 2023

⁵ Member of the Pennsylvania House of Representatives, representing Pennsylvania's 51st Legislative District.

All comments received are part of the Commission’s official record for the project. Information in the official file is available for review on the Commission’s website at <http://www.ferc.gov>, using the “eLibrary” link. For assistance, please contact FERC at FERCOnlineSupport@ferc.gov, (866) 208-3676 (toll free), or (202) 502-8659 (TTY).

2.3 ISSUES RAISED DURING SCOPING

The issues raised by participants in the scoping process are summarized and addressed below. As the primary purpose of SD2 is to identify issues to be analyzed in the NEPA document, we revised SD1 to address only those comments relating directly to the scope of environmental issues. The summaries below do not account for every oral and written comment made during the scoping process. For example, we do not address recommendations for license conditions, such as protection, mitigation, and enhancement (PM&E) measures,⁷ which are more appropriately addressed in a NEPA document or any license order issued for the project. After we determine that we have sufficient information to evaluate environmental resource and engineering issues, we will request final terms, conditions, recommendations, and comments when we issue our Ready for Environmental Analysis (REA) notice. Recommendations for PM&E measures filed in response to the REA notice, including the need for, timing, and elements of environmental resources plans (e.g., a water quality monitoring plan, bio-monitoring plan, fish passage plan, recreation management plan (RMP), and shoreline management plan (SMP)), will be addressed in the NEPA document or license order, as appropriate.

General Comments

Comment: EPA states that when engaging with agencies, Native American Tribes (e.g., Osage Nation), NGOs, and the public, the community/stakeholder engagement should be meaningful throughout the NEPA process and consistent with Executive Orders 13175 and 12989. EPA recommends that the NEPA document describe this

⁶ Comments addressed in Commission staff’s January 5, 2024 letter.

⁷ Friends of the Cheat, CLEAR, the Monongalia County Commission, and multiple other stakeholders request, as part of their scoping comments, that a water quality monitoring plan, bio-monitoring plan, fish passage plan, recreation management plan, and shoreline management plan be evaluated in the NEPA document.

coordination with the interested parties. EPA also recommends that the NEPA document describe a community outreach strategy that ensures meaningful, timely and accessible engagement with the community that may be affected by the proposed activities.

Response: Commission staff is conducting its NEPA review for the Lake Lynn Project in accordance with NEPA and Commission practice, which is consistent with EPA's recommendation. Moreover, in order to meaningfully engage minority populations and low-income populations and other interested individuals, communities, and organizations, adaptive and innovative approaches to both public outreach (i.e., disseminating relevant information) and participation (i.e., receiving community input) may be considered since minority populations and low-income populations often face different and greater barriers to engagement.⁸ For example, two NEPA scoping meetings and an environmental site review occurred on September 25 and 26, 2023, respectively. These meetings and site review were noticed in a local paper, and all three events were well attended by a broad array of stakeholders, including agencies, local governments, NGOs, and the general public. There will be additional opportunities for stakeholders, including representatives of Native American Tribes,⁹ to provide comments during the relicensing process (e.g., in response to the Commission's environmental analysis notice and when a NEPA document is issued). As described in Section 4.2.7, *Environmental Justice*, we intend to address Environmental Justice issues in the NEPA document.

Comment: Charity Grimm Krupa, Pennsylvania State Representative, 51st Legislative District, Save Cheat Lake Campaign, CLEAR, and multiple other stakeholders, both orally at the scoping meetings and in writing, express concern regarding the structural integrity of Lake Lynn Dam, due to its age. Charity Grimm Krupa and Save Cheat Lake Campaign also express concern regarding the remote operation of the project and the lack of on-sight operational personnel in the evenings and weekends, as well as the operational status of the public alert notification system.

Response: Remote operation and the public alert system are public safety concerns that are typically addressed by the Commission's Division of Dam Safety, New York Regional Office (NYRO) on an ongoing basis. Therefore, we have not modified

⁸ See Promising Practices for EJ Methodologies in NEPA Reviews. Accessed from http://www.epa.gov/sites/default/files/2016-08/documents/nepa_promising_practices_document_2016.pdf on February 7, 2024.

⁹ Commission staff invited the Osage Nation to consult by letter issued on June 27, 2019.

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the list of issues in this SD2 in response to this comment, but have referred these two issues to NYRO for their review and any needed action.

Comment: Charity Grimm Krupa, Pennsylvania State Representative, 51st Legislative District, Save Cheat Lake Campaign, and multiple other stakeholders, both orally at the scoping meetings and in writing, express concern regarding general maintenance and upkeep at the project recreation facilities. For example, stakeholder's report that restrooms are unusable, water fountains do not operate, trash is not managed properly, public safety measures (fire extinguishers and trail lights) are not maintained, the public beach lacks sand, and areas are not mowed. Ann Chester asks that any new license issued for the project include a mechanism to hold the project owner responsible for correcting compliance matters in a timely manner.

Response: Issues regarding maintenance of project facilities under the current license are addressed by the Commission's Division of Hydropower Administration and Compliance (DHAC). Therefore, we referred the general maintenance and upkeep concerns to DHAC for review and any needed action. DHAC followed up by requesting information from Lake Lynn Generation regarding maintenance at project recreation facilities to determine compliance with the existing Recreation Plan.¹⁰ In the NEPA document, we intend to evaluate the need for mechanisms for maintaining project recreational sites in the future as part of a new recreation plan included in any new license issued for the project. Section 4.2.5, *Recreation and Land Use*, has been revised accordingly.

Project Boundary Modifications

Comment: EPA and multiple other commenters, both orally at the scoping meetings and in writing,¹¹ recommend that the NEPA document include a discussion of the environmental effects of removing land from the project boundary, as well as the benefits to maintaining those lands in the project boundary for public enjoyment and other purposes.

¹⁰ See Commission staff's January 17, 2024 letter.

¹¹ Written comments on the land removal issue were filed by EPA; West Virginia DNR; CLEAR; Friends of the Cheat; Dr. Steven Selin; Save Cheat Lake Campaign; Charity Grimm Krupa, Pennsylvania State Representative, 51st Legislative District; Katie Fallon, Executive Director of the Avian Conservation Center of Appalachia; Paula Hunt; and Steve Knudson.

Response: As indicated in section 4.2, *Resources Issues*, of this SD2, the NEPA document will address the effects of the proposed land removals on the potential for erosion within Cheat Lake, as well as potential environmental effects on water and aquatic resources; terrestrial resources; federally listed, proposed, and candidate species; recreation and land use; and cultural resources. No decisions regarding the removal of lands from the project boundary will be made,¹² until after Lake Lynn Generation's proposal is analyzed in the NEPA document and a determination made in any license issued for the project, as to whether the lands continue to serve a project purpose.

Geographic Scope of Analysis

Comment: Friends of the Cheat requests that the geographic scope for the cumulative effects analysis of the Lake Lynn Project be extended beyond the upstream Albright Power Station Dam. Friends of the Cheat states that the Albright Power Station Dam is currently under consideration for removal, with project partners having secured \$4 million in funding for dam removal and river restoration.

Response: Albright Power Station Dam is a low-head (12-foot) dam located about 24 river miles upstream of Lake Lynn Dam.¹³ In SD1, we stated that the dam currently acts as a barrier to both aquatic species and river recreationalists but is currently under consideration for removal. Although Friends of the Cheat state that \$4 million has been secured for the dam's removal and river restoration, there are currently no plans or schedules for these activities. Thus, there is no certainty that migratory fish and recreationist would have unimpeded access to the Cheat River above Albright Power Station Dam within the term of any new license issued for the project. For these reasons, we are not modifying the geographic scope to extend above Albright Power Station Dam.

Cumulative Effects

Comment: Friends of the Cheat requests that the cumulative effects analysis for the next 30-50 years include an analysis of project effects associated with climate change in West Virginia, flood vulnerability of the Cheat River, and areas of habitat and climate refugia for rare, threatened, and endangered species. To facilitate such analysis, Friends of the Cheat provides resources for use by Commission staff. EPA recommends that

¹² See evening public scoping meeting transcript at 46; available at <https://elibrary.ferc.gov/eLibrary/filedownload?fileid=A86FD9BB-1BC5-C085-A378-8B23EF200000>.

¹³ Scoping Document 1 at 15.

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Commission staff consider ongoing and projected regional and local climate change trends, and ensure robust climate resilience/adaption planning in the project design. EPA also recommends that the NEPA document incorporate the Council on Environmental Quality's interim guidance on assessing climate change, issued January 9, 2023,¹⁴ during the environmental review process.

Response: The environmental analysis in the NEPA document will consider recent hydrologic trends in stream flows and lake levels to determine if there are any trends in water availability that should be factored into the environmental baseline and analysis of project operation. We will assess reasonably foreseeable effects that changes in precipitation patterns and air temperature could have on the project. We will conduct our analysis using, among other things, conventional hydrologic studies and monitoring techniques. We will consider the resources provided by Friends of the Cheat, as appropriate.

Geology and Soils

Comment: CLEAR recommends that the NEPA document include a discussion of lake level management and dredging as a means to control erosion and sedimentation within Cheat Lake.

Response: As described in Section 4.2.1, *Geology and Soils*, of this SD2, we intend to address the effects of continuing to operate the project on shoreline erosion and sedimentation in Cheat Lake. This will include the role lake level management plays in causing shoreline erosion and the need for dredging to ensure public access to the lake. Section 4.2.1 has been revised for clarity.

Water and Aquatic Resources

Comment: West Virginia DNR requests that management of aquatic invasive species (e.g., hydrilla) be part of the project's NEPA review process. CLEAR states that hydrilla growth is a concern at various locations around Cheat Lake. EPA recommends that the NEPA document include: (1) an evaluation of the potential for Harmful Algal Blooms (HABs) in Cheat Lake; (2) a discussion of the potential effects HABs may have

¹⁴ *Nat'l Env'tl. Policy Act Guidance on Consideration of Greenhouse Gas Emissions & Climate Change*, 88 Fed. Reg. 1196 (Jan. 9, 2023). Available at: [Federal Register :: National Environmental Policy Act Guidance on Consideration of Greenhouse Gas Emissions and Climate Change](#).

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on recreational and other uses; and (3) if needed, how HABs would be addressed if present.

Response: We have modified Sections 4.2.2, *Water and Aquatic Resources*, and 4.2.5, *Recreation and Land Use*, of this SD2 to: (1) clarify that our review of aquatic invasive species, including hydrilla, will include an assessment of alternatives for managing invasive aquatic species; and (2) include an evaluation of the potential for HABs to occur in Cheat Lake and associated effects on recreation and other environmental resources.

Comment: West Virginia DNR requests that alternatives to existing lake level management be considered as part of the project's NEPA review.

Response: As we stated in Section 4.2.2, *Water and Aquatic Resources*, of SD1, we intend to include, in the NEPA document, an assessment of the effects of currently licensed lake level elevations on fish and aquatic habitat in Cheat Lake, and any need for changes to those lake level targets. No changes to SD2 are needed.

Terrestrial Resources

Comment: Katie Fallon, Executive Director of the Avian Conservation Center of Appalachia, states that the avian center partners with the Cheat Lake Animal Hospital to rehabilitate over 500 injured or displaced birds annually from throughout the region. One of their 21 non-releasable birds is an Arctic peregrine falcon,¹⁵ which showed signs of electrocution, possibly through a collision with power lines, though it is not clear where this individual was found. Ms. Fallon also states that the avian center is located about 1,000 feet from Cheat Lake, near one of the areas proposed for removal from the project boundary. Ms. Fallon expressed concern about the land removal proposal and the potential for habitat loss or degradation if new development occurs in those areas, given that over 165 bird species have been documented in the forested areas, especially in areas A, B, D, and E that are proposed to be removed from the Lake Lynn Project boundary. Avian species of conservation interest, such as warblers (e.g., cerulean warbler), migratory waterfowl, waterbirds, seabirds, and raptors (e.g., bald eagle) are among the species known to occur at the project.

Response: As stated in section 4.2.4, *Terrestrial Resources*, of SD1, we intend to analyze the effects of project operation and maintenance on avian species, including

¹⁵ See information about this Arctic peregrine falcon at <https://www.accawv.org/tundra.html>; accessed January 26, 2024.

avian electrocution and collision with project transmission facilities, as well as the effects of the proposed removal of land from the project boundary, on terrestrial resources, including vegetation, wildlife, and their habitats, as part of our environmental review of Lake Lynn Generation's proposal. We have modified the language in the last bullet in section 4.2.4 of this SD2 to say "...including special status avian species such as the cerulean warbler and the bald eagle, as well as other birds of conservation interest such as migratory waterfowl, waterbirds, seabirds, and raptors."

3.0 PROPOSED ACTIONS AND ALTERNATIVES

In accordance with NEPA, the environmental analysis will consider the following alternatives, at a minimum: (1) the no-action alternative; (2) the applicant's proposed action; and (3) alternatives to the proposed action.

3.1 NO-ACTION ALTERNATIVE

Under the no-action alternative, the Lake Lynn Project would continue to operate as required by the current project license (i.e., there would be no change to the existing environment). No new environmental protection, mitigation, or enhancement measures would be implemented. We use this alternative to establish baseline environmental conditions for comparison with other alternatives.

3.1.1 Existing Project Facilities

The existing Lake Lynn Project is located on the Cheat River, approximately 3.7 river miles upstream of the Cheat River's confluence with the Monongahela River in Point Marion, West Virginia. As depicted in figure 2, the project generally consists of a reservoir (Cheat Lake or Lake Lynn), dam, intake structure and penstocks, powerhouse with generating equipment, and two transmission lines.¹⁶

Cheat Lake is formed by the 1,000-foot-long, 125-foot-high, concrete gravity Lake Lynn Dam. The lake is about 13 miles long and has a normal maximum surface area of 1,729 acres. The lake's maximum elevation is 877 feet National Geodetic Vertical

¹⁶ This SD2 provides a summary of the Lake Lynn Project facilities and the project's operation. The Lake Lynn Project and its operation, are described in greater detail in Exhibit A and Exhibit B of the license application, filed on November 30, 2022, and revised on April 24, 2023.

Datum of 1929 (NGVD 1929).¹⁷ Cheat Lake has a normal storage capacity of 72,300 acre-feet at a water surface elevation of 870 feet and a minimum storage capacity of 51,100 acre-feet at 857 feet. Lake Lynn Dam is located at the outlet of Cheat Lake. The dam includes a 624-foot-long spillway section controlled by 26, 21-foot-wide by 17-foot-high, Tainter gates.

Water flows from Cheat Lake through a concrete intake structure, which is equipped with a log boom and protected by eight trash racks, all with 4-inch clear spacing. The intake structure connects to eight 12-foot-wide by 18-foot-deep gated reinforced concrete penstocks that lead to the project powerhouse. The powerhouse is integral with Lake Lynn Dam and is located on the east side (right side looking downstream) of the Cheat River. The 160-foot-long by 94.5-foot-wide powerhouse contains four Francis-type turbines, each connected to a generator, with a total combined installed capacity of 51.2 MW.¹⁸

The power generated at the Lake Lynn Project is transmitted to the electric grid via two transformers and dual 485-foot-long, 138-kilovolt transmission lines. The transmission lines run from the powerhouse to the interconnection point with the grid at a non-project substation owned and operated by FirstEnergy.

3.1.2 Project Recreation Facilities

Lake Lynn Project recreation facilities consist of: (1) a Tailrace Fishing Access Area; (2) the 4.5-mile-long Cheat Lake Trail with parking areas; (3) Cheat Lake Park with (a) a winter/car-top boat ramp, (b) courtesy docks and day-use boat docks, (c) swimming beach, (d) picnic areas with picnic tables and grills, (e) water fountains, (f) trash receptacles, (g) playground area, (h) restroom facilities, (i) benches, (j) a security/maintenance station, (k) fishing platforms, (l) access to Cheat Lake Trail, (m) interpretive historical signs, (n) a nature viewing area, and (o) parking; (4) Sunset Beach Marina Public Boat Launch with parking; (5) Cheat Haven Peninsula Nature Viewing Area; (6) Nature Viewing Area Across from Cheat Haven; and (7) Tower Run

¹⁷ Unless otherwise noted, all elevations cited in this SD2 are in NGVD 29 datum.

¹⁸ The generating capacity of Units 1, 3 and 4 is 13 MW each. In 2018, Lake Lynn Generation completed an upgrade of Unit 2, increasing its capacity from 12 MW to 16 MW. However, the upgrades to Unit 2 take water from Units 1 and 3 when the entire plant is online. Consequently, the overall Lake Lynn Project capacity did not change as a result of the Unit 2 upgrade because the combined maximum output of all four units is less than the sum of each individual unit.

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Nature Viewing Area. These project recreation sites provide fishing, boating, nature viewing, picnicking, and hiking/biking opportunities.

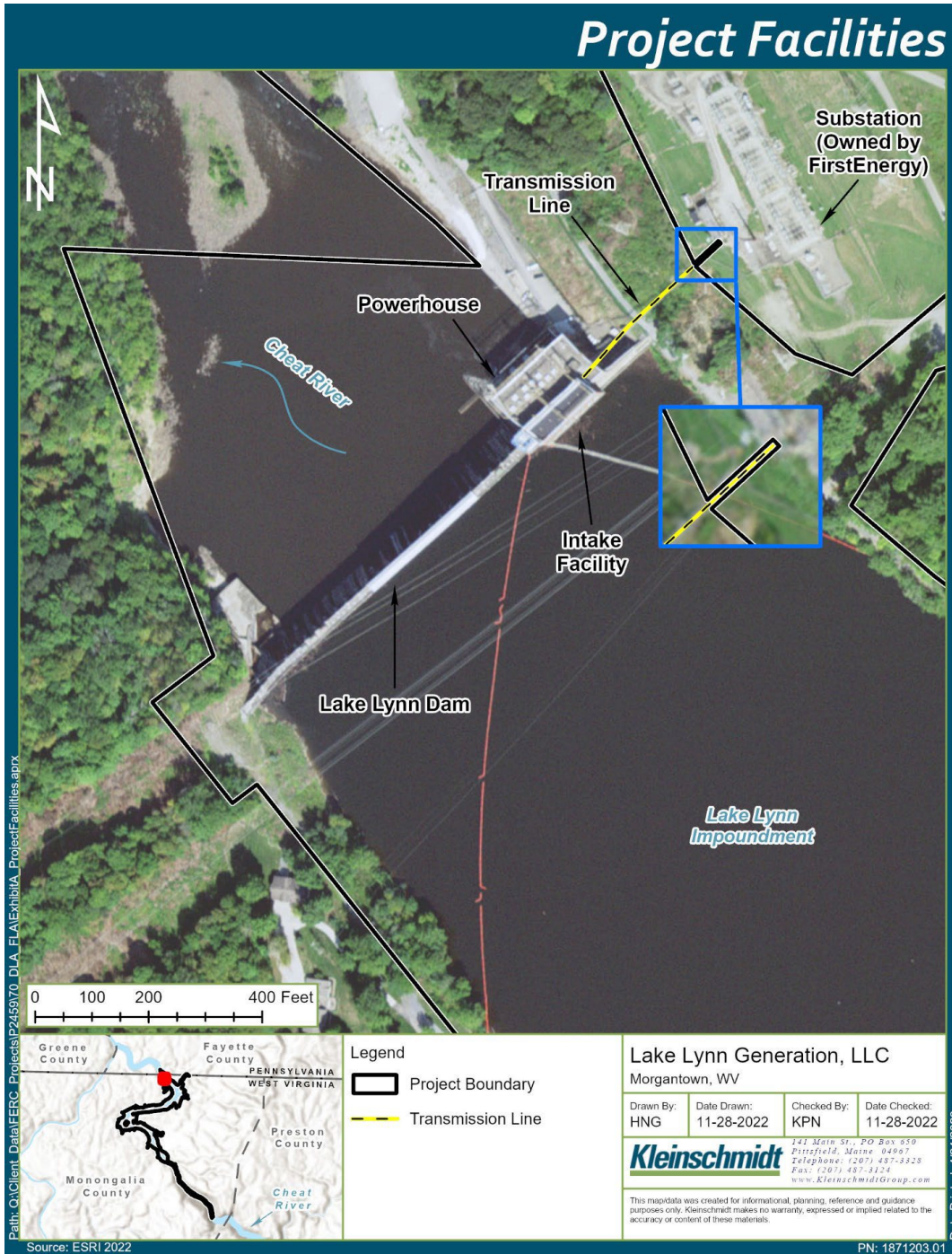


Figure 2. Lake Lynn Hydroelectric Project facilities. (Source: License Application, Exhibit A).

3.1.3 Existing Project Operation

The Lake Lynn Project is operated as a dispatchable peaking facility, with storage capability. The hours of peaking vary depending on environmental and economic considerations. Peaking operation is dictated by market value. Seasonal peaking during winter typically occurs in the morning for 5 hours and in the afternoon for 5 hours to meet demand. During the summer, peaking occurs in the evening between 6 p.m. and 11 p.m. The maximum drawdown rate to meet peak demand is ½ foot per hour, and the typical drawdown is 0.2-0.4 foot per day. The sequence of operations of the turbine/generator units is as follows:

- Unit 4 is brought online first.
- Unit 2 is preferentially brought online first during the low dissolved oxygen (DO) season (i.e., summer) because it is equipped with aeration capability.
- Units 1 and 3 are brought online as needed and non-preferentially.

The current license requires Lake Lynn Generation to maintain Cheat Lake between 868 feet and 870 feet from May 1 through October 31, 857 feet and 870 feet from November 1 through March 31, and 863 feet and 870 feet from April 1 through April 30 each year. The current license also requires Lake Lynn Generation to release a downstream minimum flow of 212 cubic-feet-per-second (cfs), or inflow, from the dam when not generating, with an absolute minimum flow of 100 cfs regardless of inflow, when not generating. When flows are more than about 300 cfs, the minimum flow is passed through the powerhouse. When flows are less than about 300 cfs, the minimum flow of 212 cfs/100 cfs is passed through Tainter gates no. 12 and 13. The Tainter gates open automatically to set points that release the minimum flow(s) when generation ceases. Minimum flows are monitored using U.S. Geological Survey gage no. 03071600, which is located in the Lake Lynn Project tailrace area.

The Lake Lynn Project is operated remotely from Lake Lynn Generation's control center in Tennessee. The inflow forecasting is completed by Lake Lynn Generation staff daily. Impoundment refill is dependent on incoming flows from the Cheat River and generation discharge amounts.

3.2 APPLICANT'S PROPOSAL

3.2.1 Proposed Project Facilities and Operations

Lake Lynn Generation proposes to continue operating the project as it does currently, as a peaking facility with storage and does not propose any changes to project

facilities or operations. Lake Lynn Generation, however, does propose to remove 307.17 acres of land from the project boundary that Lake Lynn Generation asserts are not required for Lake Lynn Project purposes.

3.2.2 Proposed Environmental Measures

Lake Lynn Generation identified potential measures to protect and enhance environmental resources of the project area. Lake Lynn Generation proposes to continue to operate the Lake Lynn Project with the existing and new environmental, protection, mitigation, and enhancement measures described below.

Water and Aquatic Resources

- Continue to maintain Cheat Lake between 868 feet and 870 feet from May 1 through October 31, 857 feet and 870 feet from November 1 through March 31, and 863 feet and 870 feet from April 1 through April 30 each year.
- Continue to release a downstream minimum flow of 212 cfs, or inflow, from Lake Lynn Dam when the project is not generating, with an absolute minimum flow of 100 cfs regardless of inflow, when not generating.
- Develop an Operations Compliance Plan within 1 year of license issuance, that would include: (1) provisions to document how Lake Lynn Generation would comply with the operational requirements of a new license; and (2) standard operating procedures to be implemented during periods of low DO concentrations that would allow Cheat Lake to be drawn down to 865 feet.¹⁹
- Develop a Water Quality Monitoring Plan, for the new license term, within 1 year of license issuance, that would include monitoring DO and water temperature from

¹⁹ Drawing Cheat Lake down to 865 feet would formalize a measure implemented, in consultation with resource agencies in 2019, 2020, and 2022, to ameliorate low DO conditions in the project tailrace. In addition to measures to ensure compliance with the operational requirements of the license and to implement during low DO periods, the plan would also include: (1) standard operating procedures to be implemented outside of normal operating conditions, including during (a) scheduled facility shutdowns and maintenance, and (b) emergency conditions such as unscheduled facility shutdowns and maintenance; and (2) a description of all gages or measuring devices that would be used to monitor operational compliance.

June 1 through October 31 each year at the existing lake water quality monitoring station and the tailwater monitoring site.

Threatened and Endangered Species

- Restrict tree clearing to November 1 to April 14 and consult with the U.S. Fish and Wildlife Service (FWS) if tree removal is needed outside that period to protect the northern long-eared bat, Indiana bat, and tri-color bat during their active seasons.

Recreation Resources

- Continue to operate and maintain the seven recreation sites described above for the project.
- Develop a new RMP for the new license term, within 1 year of license issuance, that includes: (1) a description of existing project recreation facilities; (2) a provision to review and update the RMP every 10 years; (3) water depth monitoring on an annual basis prior to the recreation season at the Sunset Beach Marina Public Boat Ramp; and (4) if warranted, conducting a bathymetric survey in the vicinity of the Sunset Beach Marina Public Boat Ramp every 10 years and dredge the area to maintain the boat ramp usability.
- Develop a SMP, within 1 year of license issuance, that includes: (1) a list of allowed activities and facilities, as well as procedures for granting permission for the activities and facilities along the shoreline and within the project boundary in accordance with the Standard Land Use Article of the FERC license; and (2) provisions to remove the moratorium on private boat docks and piers on Cheat Lake.

Cultural Resources

- Develop a Historic Properties Management Plan for the project, within 2 years of license issuance, that includes: (1) treatment of historic properties threatened by project-related activities; (2) consideration and implementation of appropriate treatment to minimize or mitigate unavoidable adverse effects on historic properties; (3) a list of activities (i.e., routine repair, maintenance, and replacement in kind at the project) not requiring consultation; and (4) procedures and measures for the discovery of previously unidentified properties during project operations and maintenance activities.

3.3 DAM SAFETY

It is important to note that dam safety constraints may exist and should be taken into consideration in the development of proposals and alternatives considered in the pending proceedings. For example, proposed modifications to dam structures could impact the integrity of the dams' structures. As the proposals and alternatives are developed, the applicant must evaluate the effects and ensure that the project would meet the Commission's dam safety criteria found in Part 12 of the Commission's regulations and the Engineering Guidelines (<http://www.ferc.gov/industries/hydropower/safety/guidelines/eng-guide.asp>).

3.4 ALTERNATIVES TO THE PROPOSED ACTION

Commission staff will consider and assess all alternative recommendations for operational or facility modifications, as well as protection, mitigation, and enhancement measures identified by the Commission, the agencies, Native American Tribes, NGOs, and the public.

3.5 ALTERNATIVES CONSIDERED BUT ELIMINATED FROM DETAILED STUDY

At present, we propose to eliminate the following alternatives from detailed study in the NEPA document.

3.5.1 Federal Government Takeover

In accordance with § 16.14 of the Commission's regulations, a federal department or agency may file a recommendation that the United States exercise its right to take over a hydroelectric power project with a license that is subject to sections 14 and 15 of the FPA.²⁰ We do not consider federal takeover to be a reasonable alternative. Federal takeover of the project would require congressional approval. While that fact alone would not preclude further consideration of this alternative, there is currently no evidence showing that federal takeover should be recommended to Congress. No party has suggested that federal takeover would be appropriate, and no federal agency has expressed interest in operating the project.

²⁰ 16 U.S.C. §§ 791(a)-825(r).

3.5.2 Non-power License

A non-power license is a temporary license the Commission would terminate whenever it determines that another governmental agency is authorized and willing to assume regulatory authority and supervision over the lands and facilities covered by the non-power license. At this time, no governmental agency has suggested a willingness or ability to take over the project. No party has sought a non-power license for the project, and we have no basis for concluding that the Lake Lynn Project should no longer be used to produce power. Thus, we do not consider a non-power license a reasonable alternative to relicensing the project.

3.5.3 Project Decommissioning

As the Commission has previously held, decommissioning is not a reasonable alternative to relicensing in most cases.²¹ Decommissioning can be accomplished in different ways depending on the project, its environment, and the particular resource needs.²² For these reasons, the Commission does not speculate about possible decommissioning measures at the time of relicensing, but rather waits until an applicant actually proposes to decommission a project, or a participant in a relicensing proceeding demonstrates that there are serious resource concerns that cannot be addressed with appropriate license measures and that make decommissioning a reasonable alternative.²³ Lake Lynn Generation does not propose decommissioning, nor does the record to date demonstrate there are serious resource concerns that cannot be mitigated if the project is

²¹ See, e.g., *Eagle Crest Energy Co.*, 153 FERC ¶ 61,058, at P 67 (2015); *Public Utility District No. 1 of Pend Oreille County*, 112 FERC ¶ 61,055, at P 82 (2005); *Midwest Hydro, Inc.*, 111 FERC ¶ 61,327, at PP 35-38 (2005).

²² In the unlikely event that the Commission denies relicensing a project or a licensee decides to surrender an existing project, the Commission must approve a surrender “upon such conditions with respect to the disposition of such works as may be determined by the Commission.” See 18 C.F.R. § 6.2. This can include simply shutting down the power operations, removing all or parts of the project (including the dam), or restoring the site to its pre-project condition.

²³ See generally *Project Decommissioning at Relicensing*; Policy Statement, FERC Stats. & Regs., Regulations Preambles (1991-1996), ¶ 31,011 (1994); see also *City of Tacoma, Washington*, 110 FERC ¶ 61,140 (2005) (finding that unless and until the Commission has a specific decommissioning proposal, any further environmental analysis of the effects of project decommissioning would be both premature and speculative).

relicensed; as such, there is no reason, at this time, to include decommissioning as a reasonable alternative to be evaluated and studied as part of staff's NEPA analysis.

4.0 SCOPE OF CUMULATIVE EFFECTS AND SITE-SPECIFIC RESOURCE ISSUES

4.1 CUMULATIVE EFFECTS

According to the Council on Environmental Quality's regulations for implementing NEPA (40 C.F.R. 1508.7), a cumulative effect is the effect on the environment that results from the incremental effect of the action when added to other past, present and reasonably foreseeable future actions, regardless of what agency (federal or non-federal) or person undertakes such other actions. Cumulative effects can result from individually minor but collectively significant actions taking place over a period of time, including hydropower and other land and water development activities.

4.1.1 Resources that could be Cumulatively Affected

Based on information in the license application for the Lake Lynn Project, we identified water quality and fish, including American eels, as having the potential to be cumulatively affected by the continued operation and maintenance of the project, in combination with other hydroelectric projects and activities in the Cheat River Basin.

4.1.2 Geographic Scope

Our geographic scope of analysis for cumulatively affected resources is defined by the physical limits or boundaries of: (1) the proposed action's effect on the resources; and (2) contributing effects from other hydropower and non-hydropower activities within the Cheat River Basin. We have identified the geographic scope for our cumulative effects analysis for water quality and fisheries to include the Cheat River from the upstream Albright Power Station Dam²⁴ downstream to the confluence of the Cheat River and the Monongahela River, and the lower Monongahela River to its confluence with the Allegheny River in Pittsburgh, PA. We chose this geographic scope because the

²⁴ Albright Power Station Dam, which is a 12-foot low head dam built in 1952, is located about 24 river miles upstream of Lake Lynn Dam. The dam, which acts as a barrier to both aquatic species and river recreationalists, provided the cooling water supply for a coal-fired power plant that was decommissioned in 2012. The dam is currently under consideration for removal. *See* revised Exhibit E, filed April 24, 2023; *see also*: <https://fws.gov/project/cheat-river-albright-power-station-dam-removal>.

construction, operation, and maintenance of the Lake Lynn Project, in combination with other dams (e.g., Albright Power Station Dam), and other developmental and non-developmental uses in the Monongahela and Cheat River Basins (e.g., five U.S. Army Corps of Engineer's navigation lock and dams on the Monongahela River, historical mining activities, treated industrial and municipal wastewater, and municipal water supplies) may affect water quality and fisheries in the Cheat River.

4.1.3 Temporal Scope

The temporal scope of our cumulative effects analysis in the NEPA document will include a discussion of past, present, and reasonably foreseeable future actions and their effects on each resource that could be cumulatively affected. Based on the potential term of a new license, the temporal scope will look 30 to 50 years into the future, concentrating on the effect on the resources from reasonably foreseeable future actions. The historical discussion will, by necessity, be limited to the amount of available information for each resource. The quality and quantity of information, however, diminishes as we analyze resources further away in time from the present.

4.2 RESOURCE ISSUES

In this section, we present a preliminary list of environmental issues to be addressed in the NEPA document. We identified these issues, which are listed by resource area, by reviewing the license application and the Commission's record for the Lake Lynn Project. This list is not intended to be exhaustive or final, but contains those issues raised to date. After the scoping process is complete, we will review the list and determine the appropriate level of analysis needed to address each issue in the NEPA document. We have not identified issues relating to socioeconomics, at this time. Those issues identified by an asterisk (*) will be analyzed for both cumulative and site-specific effects.

4.2.1 Geologic and Soils Resources

- Effects of continuing to operate the project in a peaking mode on shoreline erosion and sedimentation in Cheat Lake and downstream along the Cheat River, ***including any effects of lake level management on shoreline erosion and the need for dredging to ensure public access to the lake.***
- Effects of shoreline development on erosion and sedimentation in Cheat Lake.

- *Effects of the proposed land removals on the potential for erosion and sedimentation in Cheat Lake.*

4.2.2 Water and Aquatic Resources

- Effects of continuing to operate the project in a peaking mode on water quantity and flow in the Cheat River.
- Effects of continuing to operate the project in a peaking mode on water quality (i.e., DO concentrations, water temperature, and erosion/sedimentation) in Cheat Lake and the Cheat River downstream from Lake Lynn Dam.*
- *Adequacy of existing water quality monitoring and bio-monitoring at the project.*
- *Effects of the proposed land removals on water quality in Cheat Lake.**
- Effects of continuing to operate the project in a peaking mode on littoral zone habitat in Cheat Lake, as well as aquatic habitat for resident fish and macroinvertebrates²⁵ in Cheat Lake and the Cheat River downstream from Lake Lynn Dam.
- Effects of currently licensed lake level elevations on fish and aquatic habitat Cheat Lake, and any need for changes to those lake level targets.
- Effects of continuing to operate the project on movement of American eels and other fish species in the Cheat River.
- *Adequacy of current fish passage at Lake Lynn Dam.**
- Effects of continuing to operate the project on fish impingement, entrainment, and survival at the project.

²⁵ Macroinvertebrates are animals lacking a backbone and are large enough to see without the aid of a microscope. They may be aquatic or terrestrial; the aquatic organisms often being larval or nymph forms of terrestrial species. Macroinvertebrates include annelids (segmented worms), mollusks (e.g., freshwater mussels), arthropods/crustaceans (e.g., snails and crayfish), arachnids (spiders), odonates (mayflies, dragonflies, and damselflies), stoneflies, true bugs, beetles, caddisflies, and true flies.

- Effects of continuing to operate the project on aquatic invasive species (*e.g., hydrilla*) within the Lake Lynn Project boundary, including Cheat Lake and the Cheat River downstream from Lake Lynn Dam (within about 600 to 700 feet of the dam).
- *Effects of continued project operation on the potential for Harmful Algal Blooms in Cheat Lake.**
- *Adequacy of current efforts to control hydrilla and Harmful Algal Blooms in Cheat Lake.*

4.2.3 Terrestrial Resources

- Effects of the peaking operation, including the frequency, timing, amplitude, and duration of lake fluctuations and flow releases from the project, on shoreline, riparian, wetland, and littoral vegetation community types.
- Effects of project operation and maintenance activities (*e.g., road and facility maintenance*) and project-related recreation on vegetation and wildlife habitat.
- Effects of project operation and maintenance on avian species, including avian electrocution and collision with project transmission facilities.
- Effects of project operation and maintenance activities and project-related recreation on non-native invasive botanical and wildlife species.
- Effects of the proposed land removals on terrestrial resources including vegetation, wildlife, *including special status avian species such as the cerulean warbler and the bald eagle, as well as other birds of conservation interest such as migratory waterfowl, waterbirds, seabirds, and raptors*, and their habitats.

4.2.4 Threatened and Endangered Species

- Effects of ongoing project operation, maintenance, and project related recreation on federally listed species, including the Indiana bat, northern long-eared bat, and flat-spined three-toothed snail; species proposed for federal

listing, including the tricolored bat; and a candidate species for federal listing, monarch butterfly.²⁶

- Effects of the proposed removal of land from the project boundary on federally listed, proposed, and candidate species.

4.2.5 Recreation and Land Use

- Effects of continuing to operate and maintain the project on the *existing and any proposed* project recreation facilities and their use.
- Adequacy of existing project recreational facilities to meet existing and future recreational demand and capacity requirements.
- Adequacy of measures contained in Lake Lynn Generation's current RMP, *including existing facilities, current public education, and signage at the project.*
- *Adequacy of current RMP facility maintenance practices and requirements.*
- Effects of the proposed removal of land from the project boundary on recreation opportunities at the project.
- Adequacy of existing shoreline protection measures to control non-project uses of project lands (e.g., boat docks, piers, and other facilities) *and erosion caused by those uses.*
- *Effects of Harmful Algal Blooms on recreational use of Cheat Lake.*

4.2.6 Cultural Resources

- Effects of continuing to operate and maintain the project on properties that are included in, or eligible for inclusion in, the National Register of Historic Places.

²⁶ Commission staff accessed the FWS's Information for Planning and Consultation (IPaC) database on August 18, 2023, and filed the IPaC report on August 21, 2023.

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- Effects of the proposed removal of land from the project boundary on archaeological sites and cultural resources at the project.

4.2.7 Environmental Justice

- Effects of continued project operation and maintenance on minority and low-income communities in the project-affected area which could potentially be subject to disproportionately high adverse human health or environmental effects.

4.2.8 Developmental Resources

- Effects of proposed or recommended environmental measures on the project's generation and economics.

5.0 NEPA DOCUMENT PREPARATION SCHEDULE

The NEPA document will be distributed to all persons and entities on the Commission's service and mailing lists for the Lake Lynn Project. The document will include our recommendations for operating procedures, as well as environmental protection and enhancement measures that should be part of any license issued by the Commission. The comment period will be specified in the notice of availability of the NEPA document.

The major milestones, including those for preparing the NEPA document, are as follows:

<u>Major Milestone</u>	<u>Target Date</u>
Scoping Document 2	<i>February 2024</i>
<i>Additional Information Request Issued</i>	<i>February 2024</i>
Ready for Environmental Analysis Notice Issued	<i>April 2024</i>
Deadline for filing comments, recommendations and agency terms and conditions/prescriptions	<i>June 2024</i>

If Commission staff determines that there is a need for additional information or additional studies, or there is a delay in filing of additional information, the issuance of the Ready for Environmental Analysis notice could be delayed. If this occurs, all subsequent milestones would be delayed by the time allowed for Lake Lynn Generation to respond to the Commission's request.

6.0 COMPREHENSIVE PLANS

Section 10(a)(2) of the FPA, 16 U.S.C. Section 803(a)(2)(A), requires the Commission to consider the extent to which a project is consistent with federal and state comprehensive plans for improving, developing, or conserving a waterway or waterways affected by a project. Commission staff has preliminarily identified and reviewed the plans listed below that may be relevant to the project.²⁷ Agencies are requested to review this list and inform staff of any changes. If there are other comprehensive plans that should be considered for this list that are not on file with the Commission, or if there are more recent versions of the plans already listed, they can be filed for consideration with the Commission according to 18 CFR 2.19 of the Commission's regulations. Please follow the instructions for filing a plan at <http://www.ferc.gov/industries/hydropower/gen-info/licensing/complan.pdf>.

The following is a list of comprehensive plans currently on file with the Commission that may be relevant to the Lake Lynn Project:

Atlantic States Marine Fisheries Commission. 2000. Interstate Fishery Management Plan for American eel (*Anguilla rostrata*). (Report No. 36). April 2000.

Atlantic States Marine Fisheries Commission. 2008. Amendment 2 to the Interstate Fishery Management Plan for American eel. Arlington, Virginia. October 2008.

Atlantic States Marine Fisheries Commission. 2013. Amendment 3 to the Interstate Fishery Management Plan for American eel. Arlington, Virginia. August 2013.

Atlantic States Marine Fisheries Commission. 2014. Amendment 4 to the Interstate Fishery Management Plan for American eel. Arlington, Virginia. October 2014.

National Park Service. 1993. The Nationwide Rivers Inventory. Department of the Interior, Washington, D.C.

Pennsylvania Department of Environmental Resources. 1983. Pennsylvania State water plan. Harrisburg, Pennsylvania. January 1983. 20 volumes.

²⁷ *In addition to the comprehensive plans listed in this SD2, we will consider, as appropriate, plans that are not Commission-approved comprehensive plans, such as the Monongalia County Comprehensive Plan entitled, "The Future of Monongalia County: Creating Meaningful Connections" (February 2023) in preparing the NEPA document.*

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Pennsylvania Department of Environmental Resources. 1986. Pennsylvania's recreation plan, 1986-1990. Harrisburg, Pennsylvania.

Pennsylvania Department of Environmental Resources. 1988. Pennsylvania 1988 water quality assessment. Harrisburg, Pennsylvania. April 1988.

West Virginia Division of Natural Resources. 1982. Monongahela River Basin plan. Charleston, West Virginia.

West Virginia Division of Natural Resources. 2015. West Virginia State Wildlife Action Plan. Charleston, West Virginia. September 1, 2015.

West Virginia Governor's Office of Community and Industrial Development. West Virginia State Comprehensive Outdoor Recreation Plan: 1988-1992. Charleston, West Virginia.

U.S. Fish and Wildlife Service. n.d. Fisheries USA: the recreational fisheries policy of the U.S. Fish and Wildlife Service. Washington, D.C.

U.S. Fish and Wildlife Service. Canadian Wildlife Service. 1986. North American waterfowl management plan. Department of the Interior. Environment Canada. May 1986.

U.S. Fish and Wildlife Service. 1988. The Lower Great Lakes/St. Lawrence Basin: A component of the North American waterfowl management plan. December 29, 1988.

7.0 MAILING LIST

The list below is the Commission’s official mailing list for the Lake Lynn Project. If you want to receive future mailings for the Lake Lynn Project, and are not included in the list below, please send your request by email to FERCOnlineSupport@ferc.gov. In lieu of an email request, you may submit a paper request. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852. All written and emailed requests to be added to the mailing lists must clearly identify the following on the first page: **Lake Lynn Hydroelectric Project (P-2459-279)**. You may use the same method if requesting removal from the mailing list below.

Lake Lynn Project Mailing List

Adam Polinski, President Coopers Rock Foundation PO Box 505 Morgantown, West Virginia 26507-0505	Fayette County Court House East Maine Street Uniontown, Pennsylvania 15401
Director West Virginia Geological & Economic Survey 1 Mont Chateau Road Morgantown, West Virginia 26508-8079	Greene County Board of Commissioners Greene County Office Building E High Street Waynesburg, Pennsylvania 15370
Jody Smet, VP Regulatory Affairs Lake Lynn Generation, LLC 7315 Wisconsin Avenue, Suite 1100W Bethesda, Maryland 20814	John Collins Lake Lynn Generation, LLC 5425 Wisconsin Avenue, Suite 600 Chevy Chase, Maryland 21085
David Fox, Director of Regulatory Affairs Lake Lynn Generation, LLC 7315 Wisconsin Avenue, Suite 1100W Bethesda, Maryland 20814	Kenneth Tanner, Supervisor Monongahela Township RR 1 Greensboro, Pennsylvania 15338-9801
Monongalia County Court House 243 High Street, Room 123 Morgantown, West Virginia 26505-5427	City of Morgantown 389 Spruce Street Morgantown, West Virginia 26505-5527

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<p>Pennsylvania Dept. of Environmental Protection Southwest Regional Office 400 Waterfront Drive Pittsburgh, Pennsylvania 15222-4739</p>	<p>Pennsylvania Game Commission 2001 Elmerton Avenue Harrisburg, Pennsylvania 17110-9762</p>
<p>R. Culp Pennsylvania Game Commission 2001 Elmerton Avenue Harrisburg, Pennsylvania 17110-9762</p>	<p>Attorney General Pennsylvania Office of Attorney General 16th Floor, Strawberry Square Harrisburg, Pennsylvania 17120</p>
<p>Mayor Borough of Point Marion Point Marion Borough Building 15 Main Street Point Marion, Pennsylvania 15474</p>	<p>Susquehanna River Basin Commission 4423 North Front Street Harrisburg, Pennsylvania 17110-1788</p>
<p>Christine T. Lewis-Coker, Hydraulic Eng. U.S. Army Corps of Engineers, Philadelphia District USACE, Wanamaker Building 100 E. Penn Square, Floor 7 Philadelphia, Pennsylvania 19107</p>	<p>Sara Woida U.S. Army Corps of Engineers, Pittsburgh District 2200 William S. Moorhead Federal Bldg. 1000 Liberty Avenue Pittsburgh, Pennsylvania 15222</p>
<p>Project Manager - Hydro U.S. Army Corps of Engineers, Pittsburgh District 2200 William S. Moorhead Federal Bldg. 1000 Liberty Ave Pittsburgh, Pennsylvania 15222-4186</p>	<p>U.S. Coast Guard MSO Philadelphia 1 Washington Avenue Philadelphia, Pennsylvania 19147-4335</p>
<p>Honorable Alan B. Mollahan U.S. House of Representatives Washington, D.C. 20515</p>	<p>Honorable, Frank R. Mascara U.S. House of Representatives Washington, D.C. 20515</p>
<p>Honorable, John P. Murtha U.S. House of Representatives Washington, D.C. 20515</p>	<p>U.S. Department of the Interior, National Park Service 15 State St Boston, Massachusetts 02109-3502</p>
<p>Mayor City of Uniontown 20 N Gallatin Avenue Uniontown, Pennsylvania 15401-3545</p>	<p>Washington County Courthouse Courthouse Square 100 W Beau Street Washington, Pennsylvania 15301-4432</p>

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Director West Virginia Dept. of Agriculture State Capitol Building Charleston, West Virginia 25305	West Virginia Dept. of Education & Arts Division of Culture & History Capitol Complex Charleston, West Virginia 25305
Cordie Hudkins, Director West Virginia Division of Tourism & Parks PO Box 50312 Charleston, West Virginia 25305-0312	Charles B. Felton, Director West Virginia Division of Natural Resources 1800 Washington Street E Charleston, West Virginia 25305-2210
West Virginia Press Services, Inc. 3422 Pennsylvania Ave Charleston, West Virginia 25302-4633	Dan A. Cincotta, Biologist West Virginia Wildlife Resources Section PO Box 67 Elkins, West Virginia 26241-0067
Wharton Township PO Box 1 Farmington, Pennsylvania 15437-0001	