



Lake Lynn Generation, LLC
c/o Eagle Creek Renewable Energy, LLC
7315 Wisconsin Avenue, Suite 1100W
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July 19, 2024

VIA E-FILING

Debbie-Anne A. Reese, Acting Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, D.C. 20426

Subject: Lake Lynn Hydroelectric Project (FERC No. P-2459)
Final License Application –Additional Information Request #4 Response

Dear Secretary Reese:

Lake Lynn Generation, LLC (Lake Lynn or Licensee) is the licensee and operator of the Lake Lynn Hydroelectric Project (Lake Lynn Project). The Lake Lynn Project is located on the Cheat River, in Monongalia County, West Virginia, near the city of Morgantown, and in Fayette County, Pennsylvania, near the borough of Point Marion. The existing Federal Energy Regulatory Commission (FERC or Commission) license for the Lake Lynn Project expires on November 30, 2024. Lake Lynn is pursuing a new license for the Lake Lynn Project and filed its Final License Application on November 30, 2022.

On May 21, 2024, FERC issued Additional Information Request (AIR) #4 for the Final License Application. Lake Lynn's responses to FERC's requests are filed herein. Additionally, Lake Lynn is filing revised Exhibit G drawings to address the proposed Lake Lynn Project boundary changes.

If you have any questions or require any additional information, please contact me at (804) 338-5110 or via e-mail at joyce.foster@eaglecreekre.com.

Sincerely,

A handwritten signature in cursive script that reads "Joyce Foster".

Joyce Foster
Director, Licensing and Compliance

Attachment A: AIR Responses
Attachment B: Revised Exhibit G Maps with associated shapefiles
Attachment C: 1996 Exhibit G
Attachment D: PASHPO and WVSHPO Online Submittal Confirmation Letters
Attachment E: Draft Annotated Outline of Historic Properties Management Plan

cc: Distribution List

**Lake Lynn Generation, LLC
Lake Lynn Project (P-2459)
Distribution List (updated July 2024)**

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ATTACHMENT A

AIR RESPONSES

AIR #	Action	Response to AIR
1. Project Boundary	<p>In response to Commission staff’s February 23, 2024, Additional Information Request (AIR), Lake Lynn Generation states that the existing Lake Lynn Project boundary described in the November 30, 2022, final license application, in both Exhibit E and Exhibit G, was in error.² Lake Lynn Generation stated that it used a 1991 Exhibit G map to develop (a) the Exhibit G maps approved by the Commission in 1994, and the GIS-based depiction of the existing Lake Lynn Project boundary. Lake Lynn Generation indicates that it found a newer, more legible, 1996 version, of Exhibit G. However, the April 8 filing says little about the 1996 Exhibit G map(s) used in responding to staff’s AIR, and staff is unable to locate the 1996 Exhibit G map(s) for the Lake Lynn Project in Commission records. Therefore, to facilitate staff’s review of Lake Lynn Generation’s new proposal for removing land from the Lake Lynn Project boundary, please describe the origin of, and explain the basis for, the 1996 Exhibit G map(s).</p>	<p>The 1996 Exhibit G map(s) pre-date Lake Lynn’s ownership of the Project. These drawings were found during a search of the files that Lake Lynn inherited with the Project. Lake Lynn only has a PDF version and does not have any knowledge of when exactly they were filed with FERC. However, Lake Lynn believes that the 1996 Exhibit G map(s) are the most recent and most accurate (and legible) depiction of the FERC Project boundary. The 1996 Exhibit G map(s) are included in Attachment C.</p>
2. Project Boundary	<p>Figure 3-3 of Exhibit E, filed April 8, 2024, shows the existing and proposed project boundary for the Lake Lynn Project, which Lake Lynn Generation generated using the 1996 Exhibit G map(s) described in AIR No. 1. The Commission-approved Exhibit G includes an approximately 35-acre parcel of land located along the west side of Cheat Lake (see parcel on map below labeled as Parcel Proposed for Removal from Project Boundary). However, the GIS layer for the existing project boundary, filed on April 8, 2024, does not include this parcel of land within the existing project boundary. Please clarify and, if necessary, correct this discrepancy.</p>	<p>As noted in the April 8, 2024 AIR response filing and revised Exhibit E, the 1996 Exhibit G maps, which Lake Lynn believes are the most recent and accurate Exhibit G maps do not include the parcel in question within the Project Boundary. Lake Lynn has no reason to believe that the 1996 Exhibit G maps were not filed with FERC by the previous Project licensee. Lake Lynn has made every effort to depict the current FERC Project Boundary as accurately as possible in the April 8, 2024 filing. We do not have any additional information or boundary drawings that would bring any more clarity to the Project boundary than what was filed on April 8, 2024.</p>

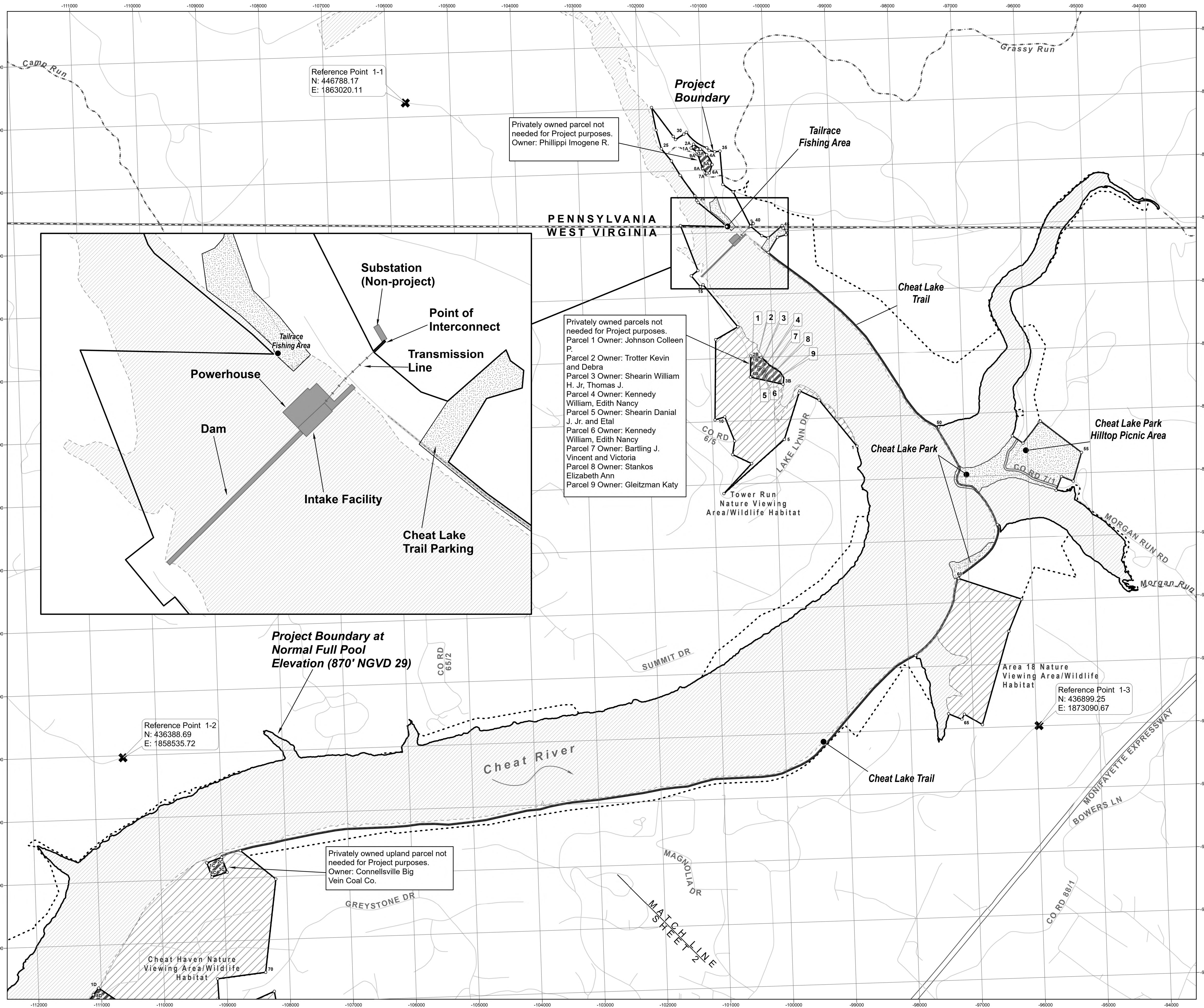
AIR #	Action	Response to AIR
3. Cultural Resources	<p>In section 3.2.1, Proposed Project Facilities and Operations, of the final license application, Lake Lynn Generation proposes to remove lands from the project boundary that, it states, are not required for Lake Lynn Project purposes. In Appendix E of the April 8, 2024, response to Commission staff's February 23, 2024, AIR, Lake Lynn Generation provided maps that show the land parcels proposed for removal. These maps show the location(s) of specific cultural resources, including some that could potentially be removed from the project boundary. The removal of land that contains certain identified cultural resources from a project boundary may be considered an adverse effect. For Commission staff to fully evaluate the proposal, please provide information on whether these resources were evaluated for National Register of Historic Place eligibility. Additionally, for the resources that are found to be eligible, please describe any mitigation or protection measures for these resources, and seek concurrence from the Pennsylvania and West Virginia State Historic Preservation Officers (SHPOs).</p>	<p>During the 1996 Phase 1 Cultural Resource Survey and 1998 Addendum, the Pennsylvania and West Virginia State Historic Preservation Officers (PASHPO and WVSHPO, respectively) were contacted. The PASHPO did not correspond, but the WVSHPO maintained involvement until they were satisfied that the proposed recreational facilities would have no effect on any archaeological or historical sites. On May 17, 1996, Lake Lynn sent a letter to the WVSHPO stating that the sites were not eligible for inclusion in the National Register of Historic Places (NRHP) (Accession No. 19960702-0038). The WVSHPO responded and did not concur, stating that <i>"while the project will have no effect on these resources, it is our opinion that the remnants of the Cheat Haven and Bruceton Railroad are a significant resource. Therefore, we do not concur with your recommendation that no historic properties are located at the proposed recreation area"</i> (Accession No. 19960628-0312). Following these letters, the 1998 addendum was conducted to evaluate the additional 3.1 miles of the proposed Cheat Lake Trail. The WVSHPO on June 11, 1998 (Accession No. 19980615-0484) concurred with the addendum and stated the proposed trail would have no effect on any historic properties at the Lake Lynn Project. Based on correspondence, it seems only the Cheat Haven and Bruceton Railroad were considered historical places, but were not evaluated for the NRHP. Both of these resources would remain within the proposed Project Boundary. In 2019, the PASHPO stated in a letter to Lake Lynn that there may be National Register-eligible above ground resources in the existing Project Boundary but did not state where these resources were located. Based on the existing and proposed</p>

AIR #	Action	Response to AIR
		<p>Project Boundary defined in the AIR response #3, a few resources would be excluded from proposed Project Boundary. Site 36FA0073 located in West Virginia, is an archaeological resource that is unevaluated from NRHP, and would be completely removed from the proposed Project Boundary. The Penn Hill housing and Catawba Path mapped boundaries are located within the existing Project Boundary in both Pennsylvania and West Virginia, but the physical resources are not. Under the proposed Project Boundary, the Penn Hill Housing buffer would be completely excluded, and a small portion of the Catawba Path boundary would be removed from the proposed Project Boundary. The Catawba Path is unevaluated for NRHP eligibility. Both the WV and PA SHPO are aware of these sites, and in our previous efforts to consult with both the WV and PA SHPO about the Lake Lynn relicensing effort, they have provided no response. Based on information about these sites included in the original study report and the addendum, there is nothing to suggest that removal of these sites from the Project boundary would have an adverse effect on the sites.</p> <p>Lake Lynn has reached out again to both the WV and PA SHPOs using their online share sites. Lake Lynn hopes to receive concurrence that the current Project Boundary and the proposed Project Boundary are satisfactory and that no historical properties would be impacted from the proposed Project Boundary.</p>

AIR #	Action	Response to AIR
		<p>On July 11 and 12, 2024, the following items were sent to the WVSHPO and PASHPO via their respective online application portals:</p> <ul style="list-style-type: none"> • Lake Lynn FLA Exhibit E_April2024 • PRIV Attachment E Cultural Resources • Exhibit G Maps • 19960429-0272(863224)_Phase I Cultural • 19960628-0312(835716)_WV SHPO • 19980415-0205(645321)_PHASE I CULTURAL Addendum • 19980615-0484(459747)_WV SHPO Cultural Survey <p>Attachment D contains the confirmation letters.</p>
4. Cultural Resources	Once the resources in AIR No. 3 are identified, and the Pennsylvania and West Virginia SHPOs have provided concurrence on the resources, please develop a draft Historic Properties Management Plan (HPMP), and submit the draft HPMP to the Commission and the Pennsylvania and West Virginia SHPOs for comment.	Following concurrence with each state SHPO (see AIR response 3), a draft Historic Properties and Management Plan (HPMP) will be developed. In the meantime, an annotated outline of the draft HPMP has been created and is located in Attachment E. Once completed, the Draft HPMP will be sent to each state SHPO for comments.

ATTACHMENT B

REVISED EXHIBIT G MAPS WITH ASSOCIATED SHAPEFILES



Reference Point 1-1
 N: 446788.17
 E: 1863020.11

Privately owned parcel not needed for Project purposes.
 Owner: Phillippi Imogene R.

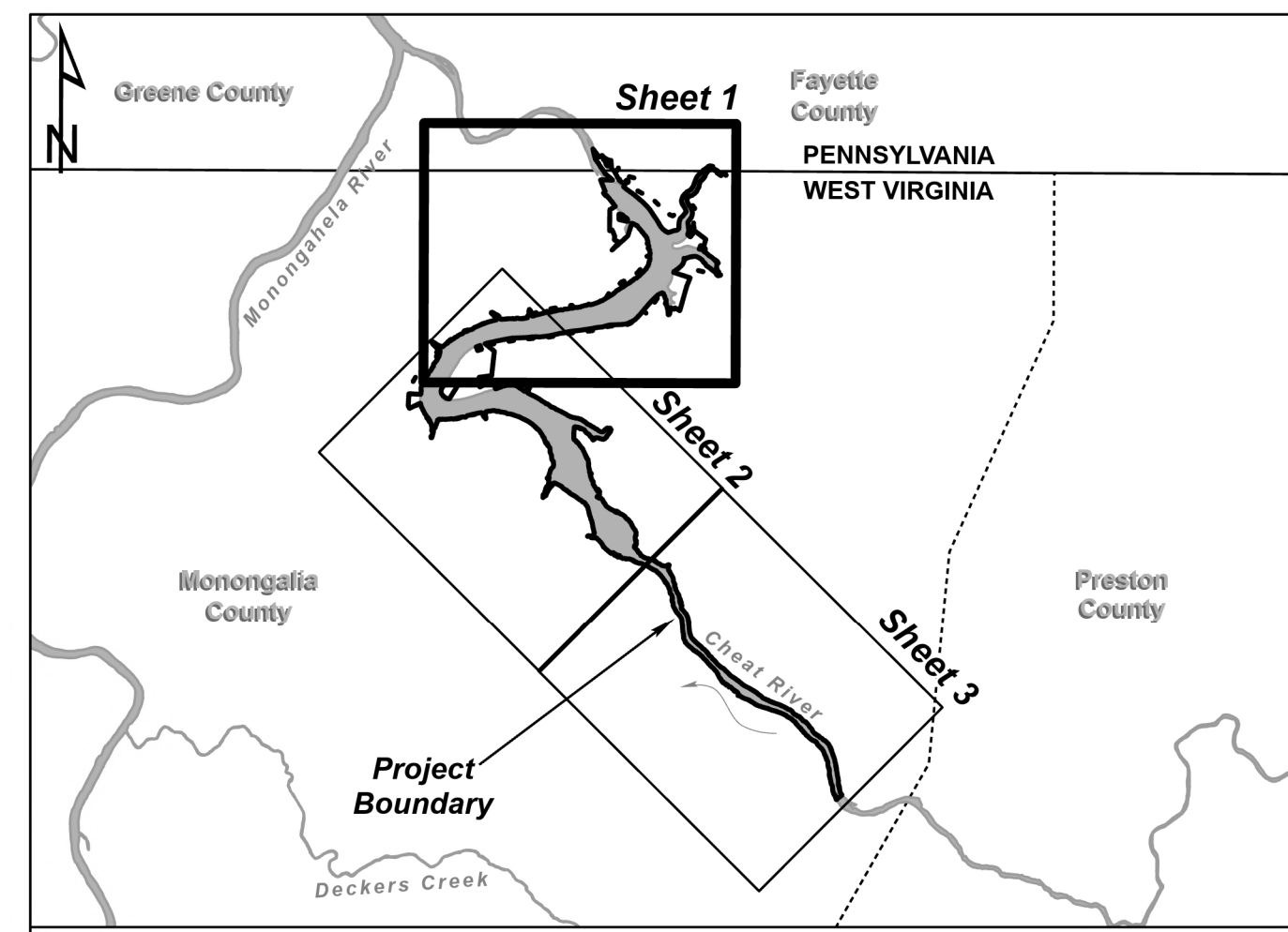
PENNSYLVANIA
 WEST VIRGINIA

Privately owned parcels not needed for Project purposes.
 Parcel 1 Owner: Johnson Colleen P.
 Parcel 2 Owner: Trotter Kevin and Debra
 Parcel 3 Owner: Shearin William H. Jr, Thomas J.
 Parcel 4 Owner: Kennedy William, Edith Nancy
 Parcel 5 Owner: Shearin Danial J. Jr. and Etal
 Parcel 6 Owner: Kennedy William, Edith Nancy
 Parcel 7 Owner: Bartling J. Vincent and Victoria
 Parcel 8 Owner: Stankos Elizabeth Ann
 Parcel 9 Owner: Gleitzman Katy

Reference Point 1-3
 N: 436899.25
 E: 1873090.67

Reference Point 1-2
 N: 436388.69
 E: 1858535.72

Privately owned upland parcel not needed for Project purposes.
 Owner: Connellsville Big Vein Coal Co.

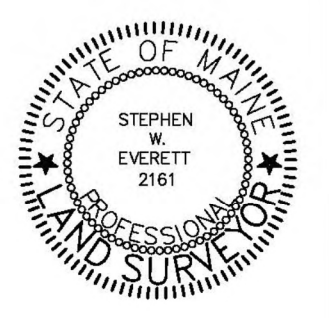


TN
 MN
 9.22°W
 5/24/2024

- Project Boundary (Proposed)
- Project Boundary (Existing)
- Reference Point
- Recreation Site
- Nature Viewing/Wildlife Habitat Area
- Hydrography
- Waterbody
- Interstate
- Road
- Match Line
- Protected Land
- County
- State
- Cheat Lake Trail
- Transmission Line
- Non-Project Land

- Map notes:**
- The Lake Lynn Project is located in the States of West Virginia and Pennsylvania in Monongalia and Fayette Counties, respectively.
 - Reference Point coordinates are shown in NAD 1983 StatePlane West Virginia North FIPS 4701 Ft US.
 - Elevations shown are referenced to NGVD 29, where NAVD 88 = NGVD 29 + 0.378 ft. Conversion factor was determined from The NGS Coordinate Conversion and Transformation Tool (NCAT).
 - Licensee has acquired all flowage rights and title in fee or the right to use in perpetuity all lands necessary or appropriate for the construction, maintenance, and operation of the Project. All property records are kept on file with the licensee.
 - There are no federal lands within the Project boundary.
 - The Project boundary description, as required by 18 CFR 4.41, is represented here by a grid of Northings and Eastings around, and graticules within, the map frame. Any position in Northings and Eastings along the Project boundary can be determined using these references.
 - The Project boundary, in part, was digitized from contour elevations derived from USGS WV Southcentral LiDAR data (USGS 2018).

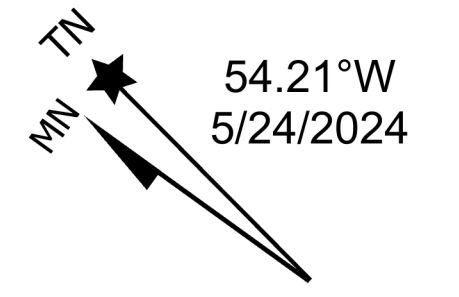
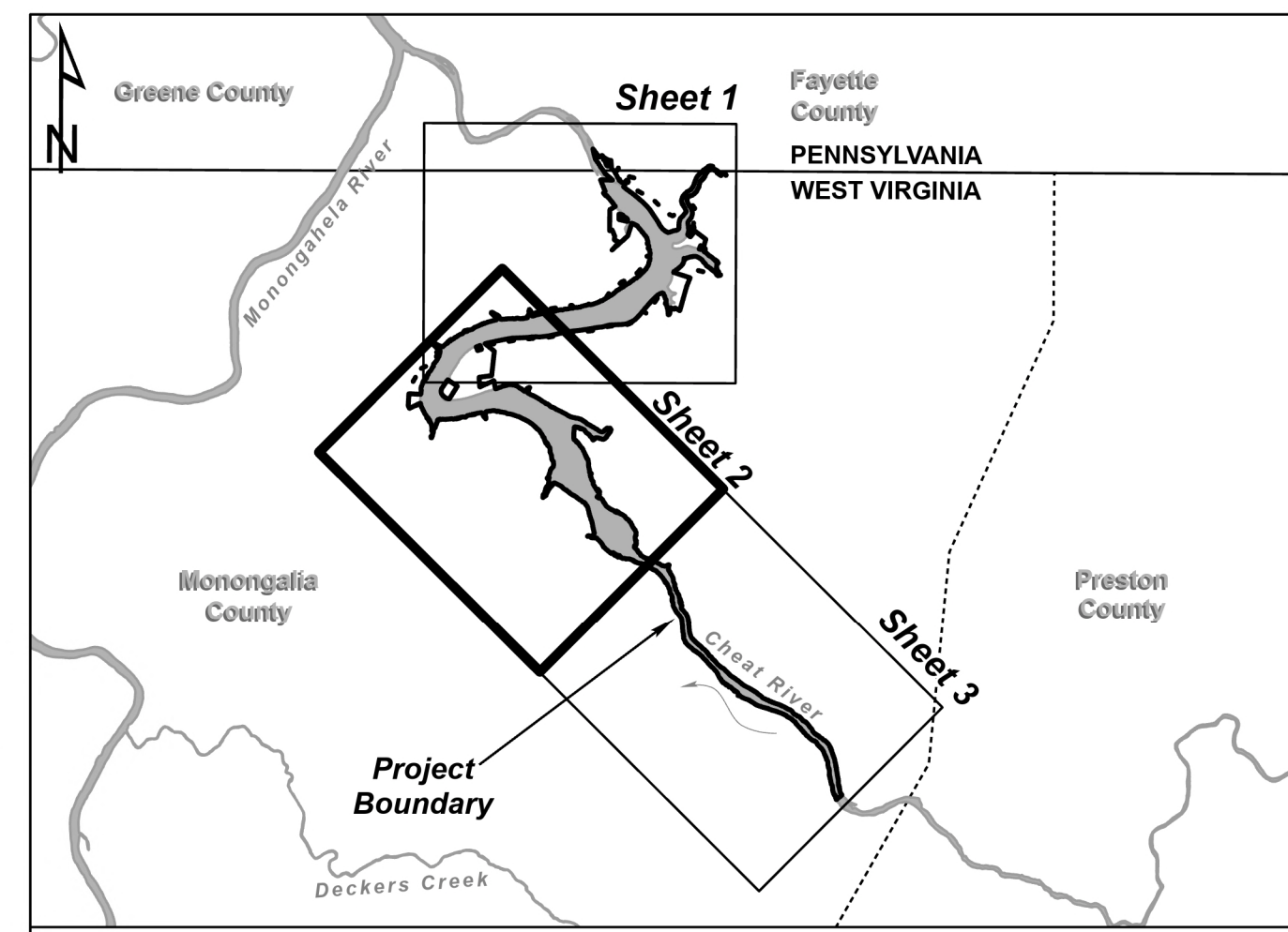
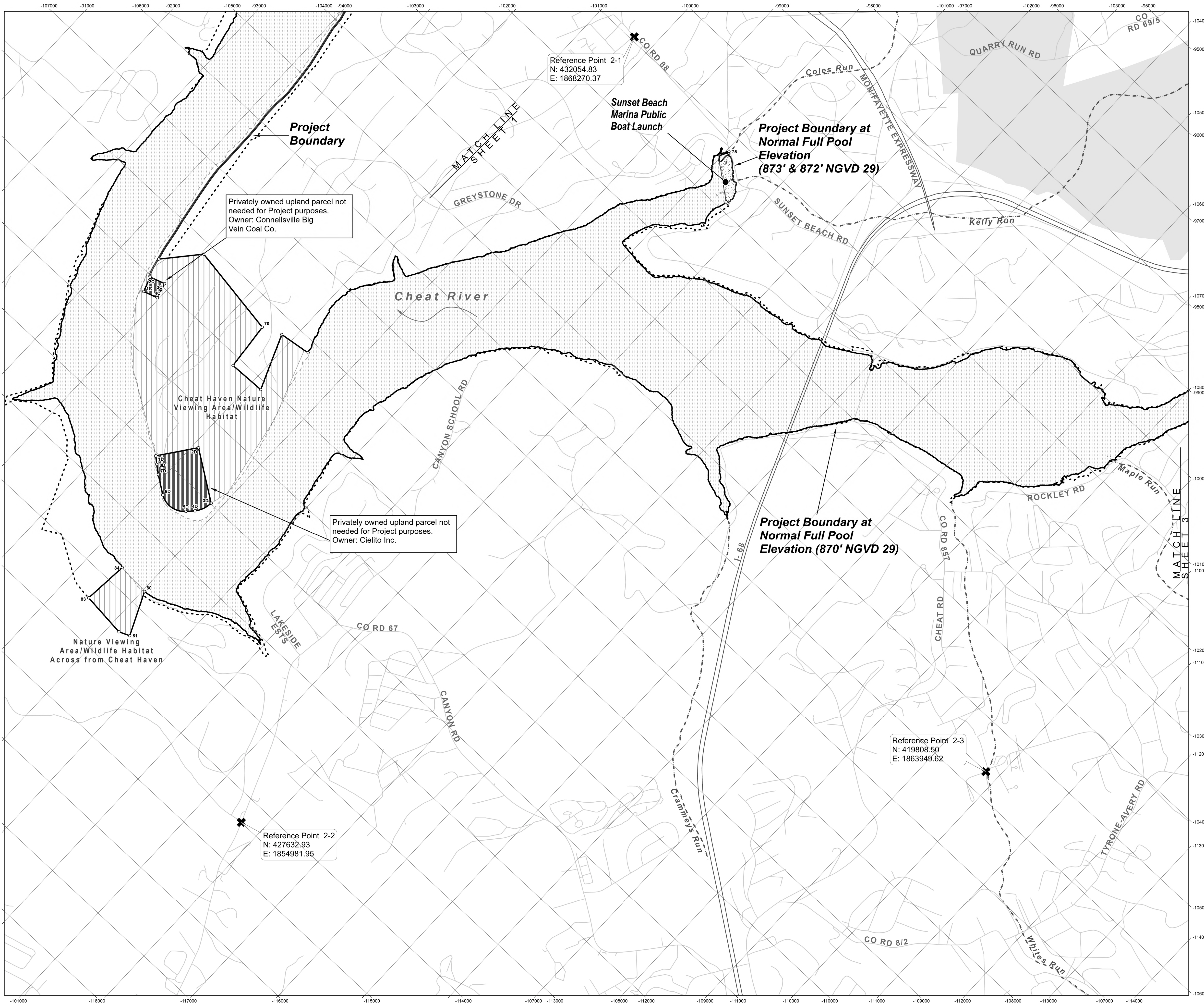
SURVEYORS STATEMENT
 I HEREBY CERTIFY TO THE FEDERAL ENERGY REGULATORY COMMISSION (FERC) THAT THIS PLAN MEETS THE CONDITIONS SET FORTH BY FERC FOR ITS EXPRESSED PURPOSE. THE PURPOSE OF THIS MAP IS TO PROVIDE A GEOREFERENCED VISUAL DEPICTION OF THE LOCATION OF PROJECT FEATURES AND BOUNDARIES BASED ON THE BEST AVAILABLE HISTORICAL DRAWINGS AND DIGITAL REFERENCE SOURCES INCORPORATED INTO THE GEOGRAPHIC INFORMATION SYSTEM (GIS). LOCATIONS HAVE NOT BEEN VERIFIED BY PHYSICAL FIELD SURVEYS AND THIS DRAWING SHOULD NOT BE USED FOR PURPOSES OF DEVELOPING PROPERTY BOUNDARY DESCRIPTIONS.



LAKE LYNN GENERATION, LLC
 LAKE LYNN HYDROELECTRIC PROJECT
 FERC NO. 2459
 PROJECT BOUNDARY MAP

EXHIBIT G SCALE: 1" = 750' SHEET NO. 1 OF 3

0 500 1,000 2,000 3,000 4,000 Feet



Map notes:

- The Lake Lynn Project is located in the States of West Virginia and Pennsylvania in Monongalia and Fayette Counties, respectively.
- Reference Point coordinates are shown in NAD 1983 StatePlane West Virginia North FIPS 4701 Ft US.
- Elevations shown are referenced to NGVD 29, where NAVD 88 = NGVD 29 + 0.378 ft. Conversion factor was determined from The NGS Coordinate Conversion and Transformation Tool (NCAT).
- Licensee has acquired all flowage rights and title in fee or the right to use in perpetuity all lands necessary or appropriate for the construction, maintenance, and operation of the Project. All property records are kept on file with the licensee.
- There are no federal lands within the Project boundary.
- The Project boundary description, as required by 18 CFR 4.41, is represented here by a grid of Northings and Eastings around, and graticules within, the map frame. Any position in Northings and Eastings along the Project boundary can be determined using these references.
- The Project boundary, in part, was digitized from contour elevations derived from USGS WV Southcentral LiDAR data (USGS 2018).

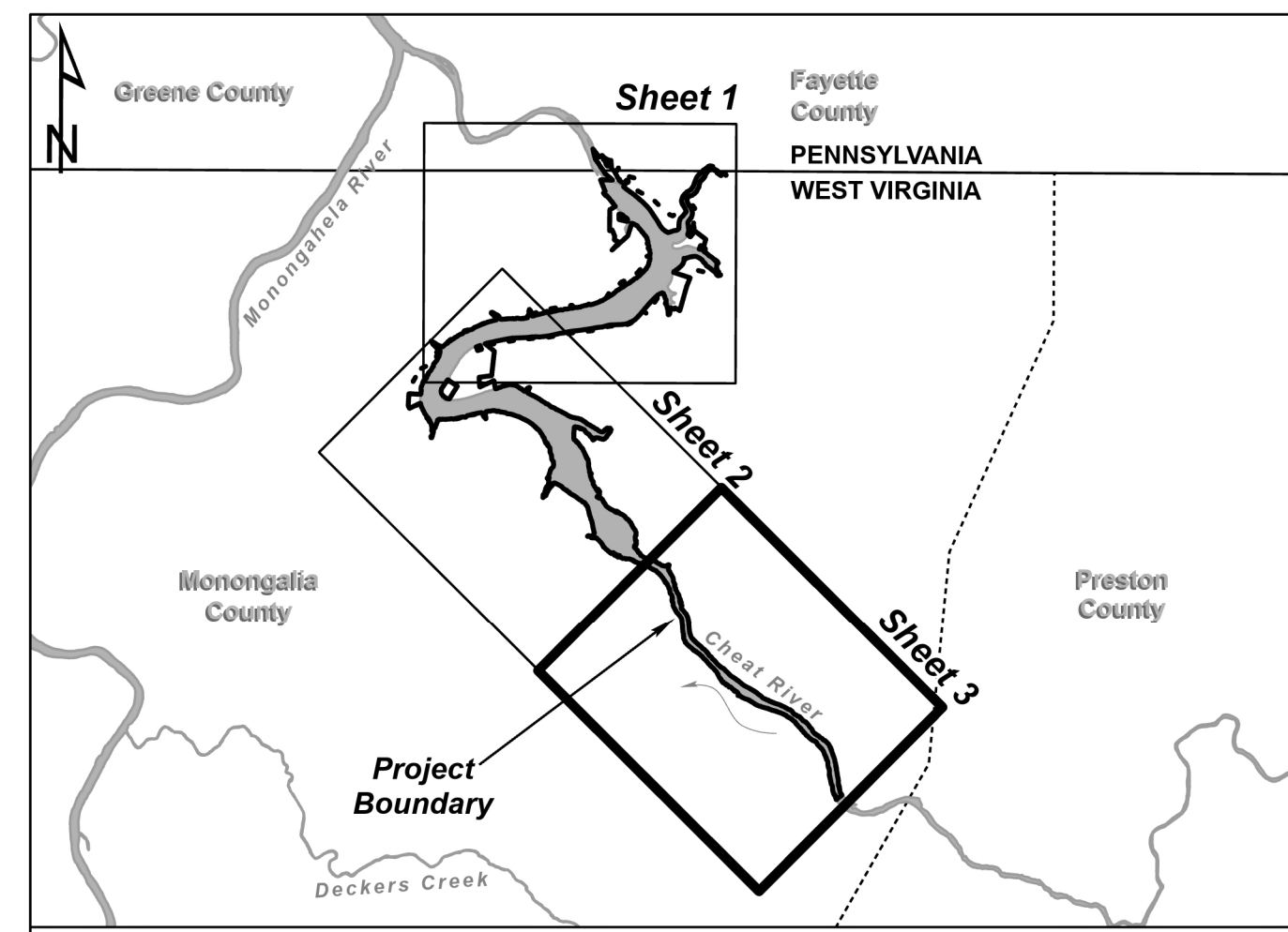
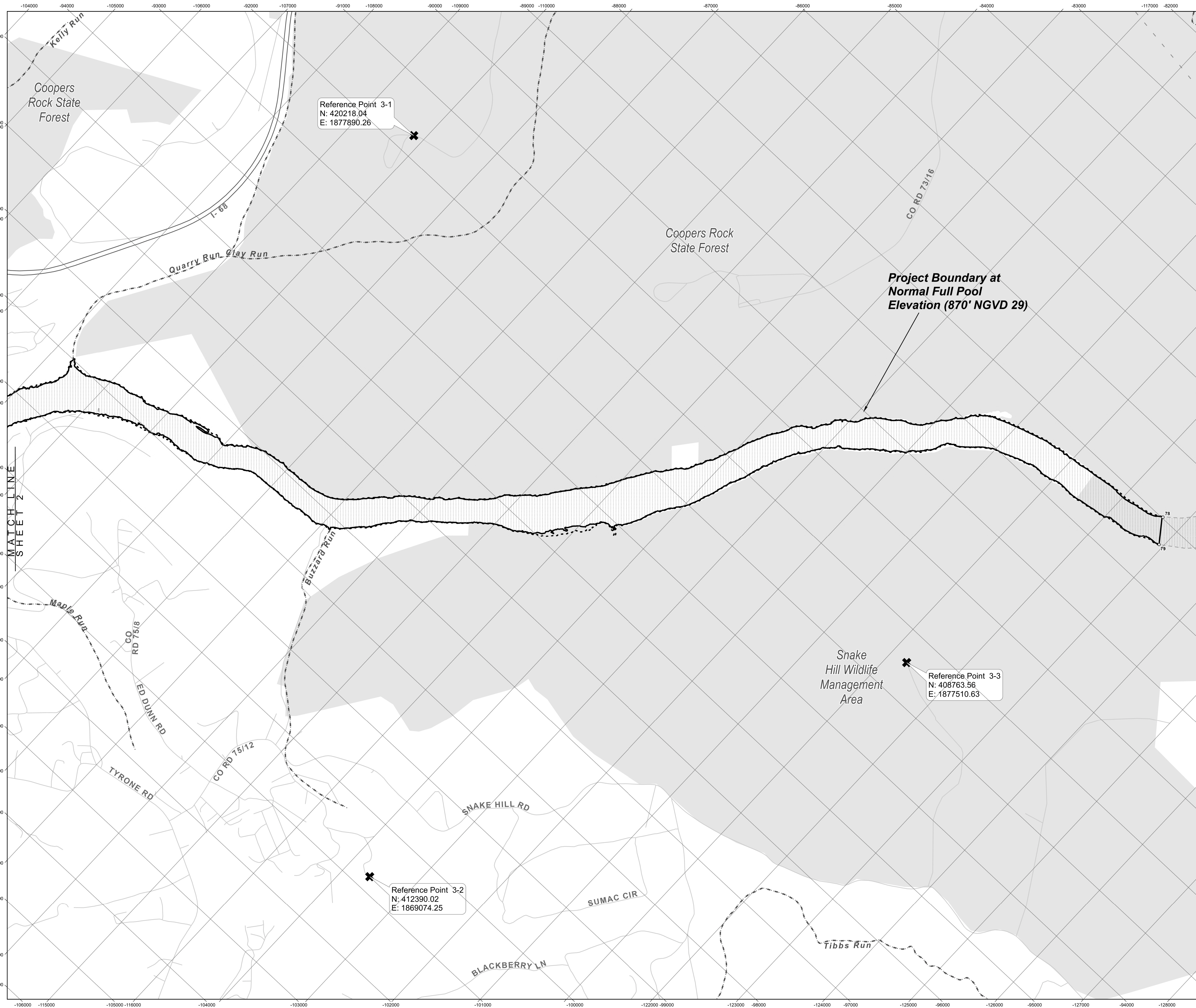
SURVEYORS STATEMENT

I HEREBY CERTIFY TO THE FEDERAL ENERGY REGULATORY COMMISSION (FERC) THAT THIS PLAN MEETS THE CONDITIONS SET FORTH BY FERC FOR ITS EXPRESSED PURPOSE. THE PURPOSE OF THIS MAP IS TO PROVIDE A GEOREFERENCED VISUAL DEPICTION OF THE LOCATION OF PROJECT FEATURES AND BOUNDARIES BASED ON THE BEST AVAILABLE HISTORICAL DRAWINGS AND DIGITAL REFERENCE SOURCES INCORPORATED INTO THE GEOGRAPHIC INFORMATION SYSTEM (GIS). LOCATIONS HAVE NOT BEEN VERIFIED BY PHYSICAL FIELD SURVEYS AND THIS DRAWING SHOULD NOT BE USED FOR PURPOSES OF DEVELOPING PROPERTY BOUNDARY DESCRIPTIONS.



LAKE LYNN GENERATION, LLC
LAKE LYNN HYDROELECTRIC PROJECT
FERC NO. 2459
PROJECT BOUNDARY MAP

EXHIBIT G SCALE: 1" = 750' SHEET NO. 2 OF 3



54.23°W

 5/24/2024

- Map notes:**
1. The Lake Lynn Project is located in the States of West Virginia and Pennsylvania in Monongalia and Fayette Counties, respectively.
 2. Reference Point coordinates are shown in NAD 1983 StatePlane West Virginia North FIPS 4701 Ft US.
 3. Elevations shown are referenced to NGVD 29, where NAVD 88 = NGVD 29 + 0.378 ft. Conversion factor was determined from The NGS Coordinate Conversion and Transformation Tool (NCAT).
 4. Licensee has acquired all flowage rights and title in fee or the right to use in perpetuity all lands necessary or appropriate for the construction, maintenance, and operation of the Project. All property records are kept on file with the licensee.
 5. There are no federal lands within the Project boundary.
 6. The Project boundary description, as required by 18 CFR 4.41, is represented here by a grid of Northings and Eastings around, and graticules within, the map frame. Any position in Northings and Eastings along the Project boundary can be determined using these references.
 7. The Project boundary, in part, was digitized from contour elevations derived from USGS WV Southcentral LiDAR data (USGS 2018).

SURVEYORS STATEMENT

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LAKE LYNN GENERATION, LLC
LAKE LYNN HYDROELECTRIC PROJECT
FERC NO. 2459
PROJECT BOUNDARY MAP

EXHIBIT G SCALE: 1" = 750' SHEET NO. 3 OF 3

ATTACHMENT C

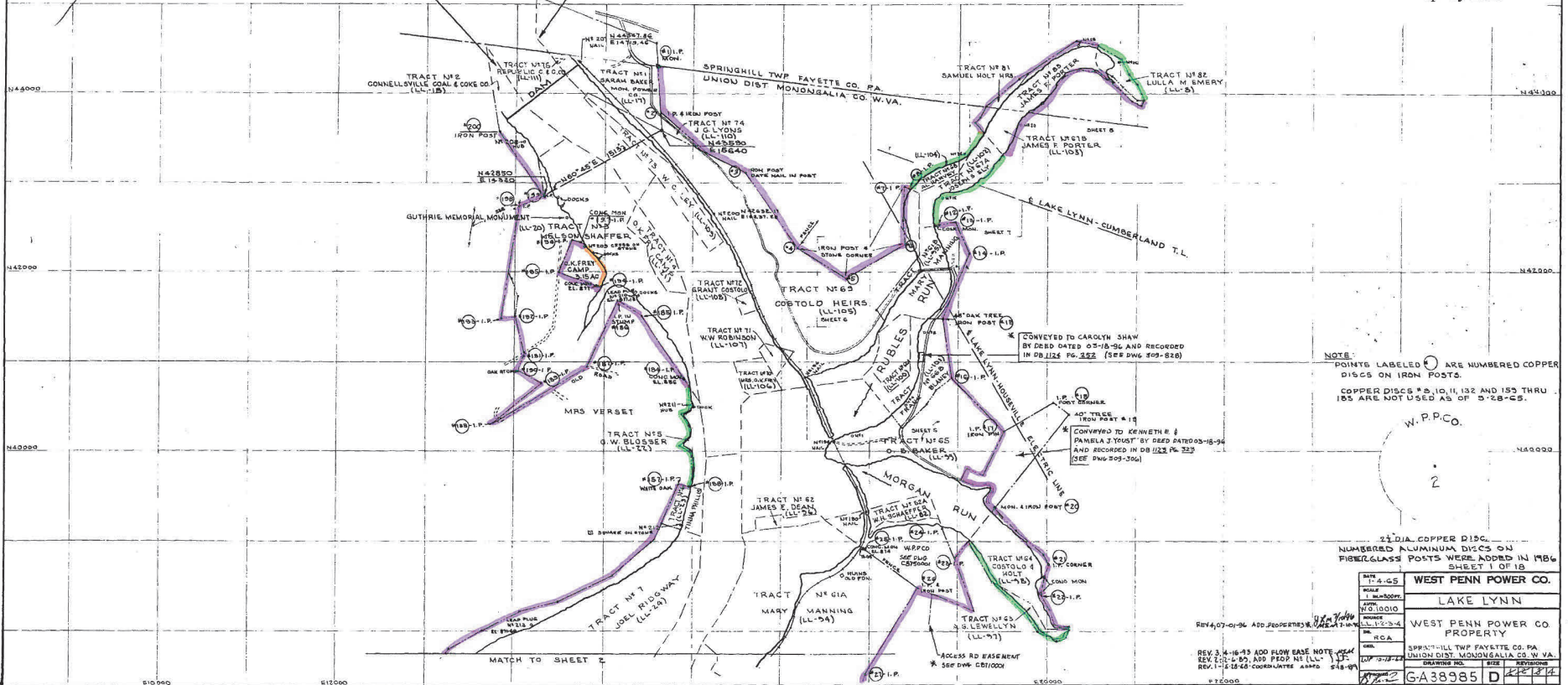
1996 EXHIBIT G

DRAWING NO.	REFERENCE DRAWING

Legend

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- Contour Elevation 875'
- Contour Elevation 873' & 872'
- Contour Elevation 870'
- No Contour - Property Line

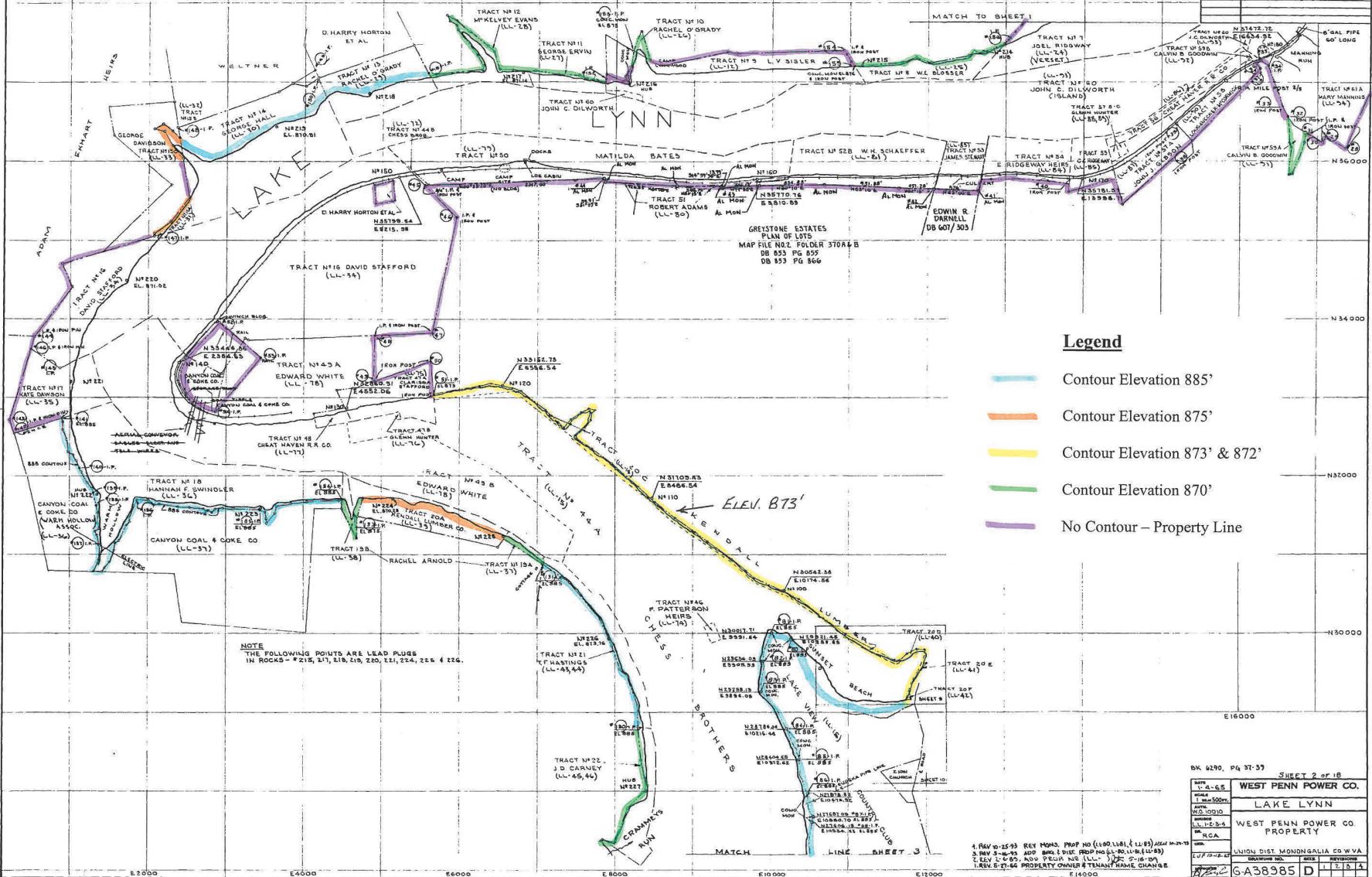
FLOWAGE EASEMENTS GRANTED TO THE UNITED STATES OF AMERICA BY AGREEMENT DATED MARCH 4, 1993 AND RECORDED IN FAYETTE CO., PA. RECORD BK. 1135, PG. 98 AND IN MONONGALIA CO., W. VA. DEED BK. 1062 PG. 215



NOTE: POINTS LABELED * ARE NUMBERED COPPER DISCS ON IRON POSTS. COPPER DISCS # 9, 10, 11, 132 AND 153 THRU 185 ARE NOT USED AS OF 3-28-05.

DATE	11-4-05	WEST PENN POWER CO.
SCALE	1" = 100.00'	LAKE LYNN
PROJECT	1010010	WEST PENN POWER CO. PROPERTY
OWNER	WEST PENN POWER CO.	
DESIGNER	RCA	
CHECKED		
APPROVED		
DRAWING NO.	G-A 38985	FILE
SHEET	D	

REV 3, 4-16-93 ADD FLOW EASE NOTE
 REV 2, 1-29-92, ADD PROP NO (LL-11)
 REV 1, 1-18-88 CORRECT DATE AND 218-91
 © 2005



- Legend**
- Contour Elevation 885'
 - Contour Elevation 875'
 - Contour Elevation 873' & 872'
 - Contour Elevation 870'
 - No Contour - Property Line

NOTE
THE FOLLOWING POINTS ARE LEAD PILES
IN ROCKS - # 215, 217, 218, 219, 220, 221, 224, 225 & 226.

BX 6290, Pg 37-39

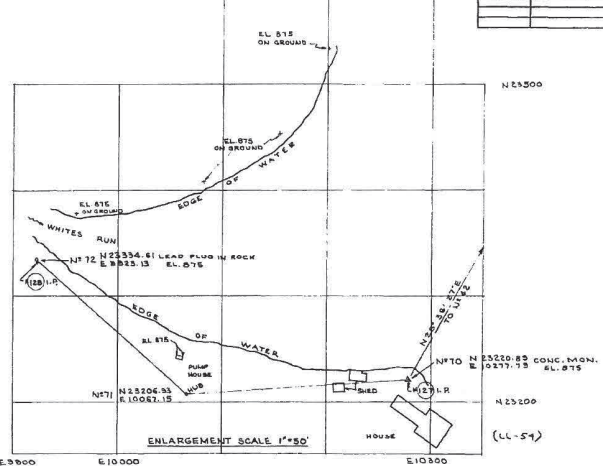
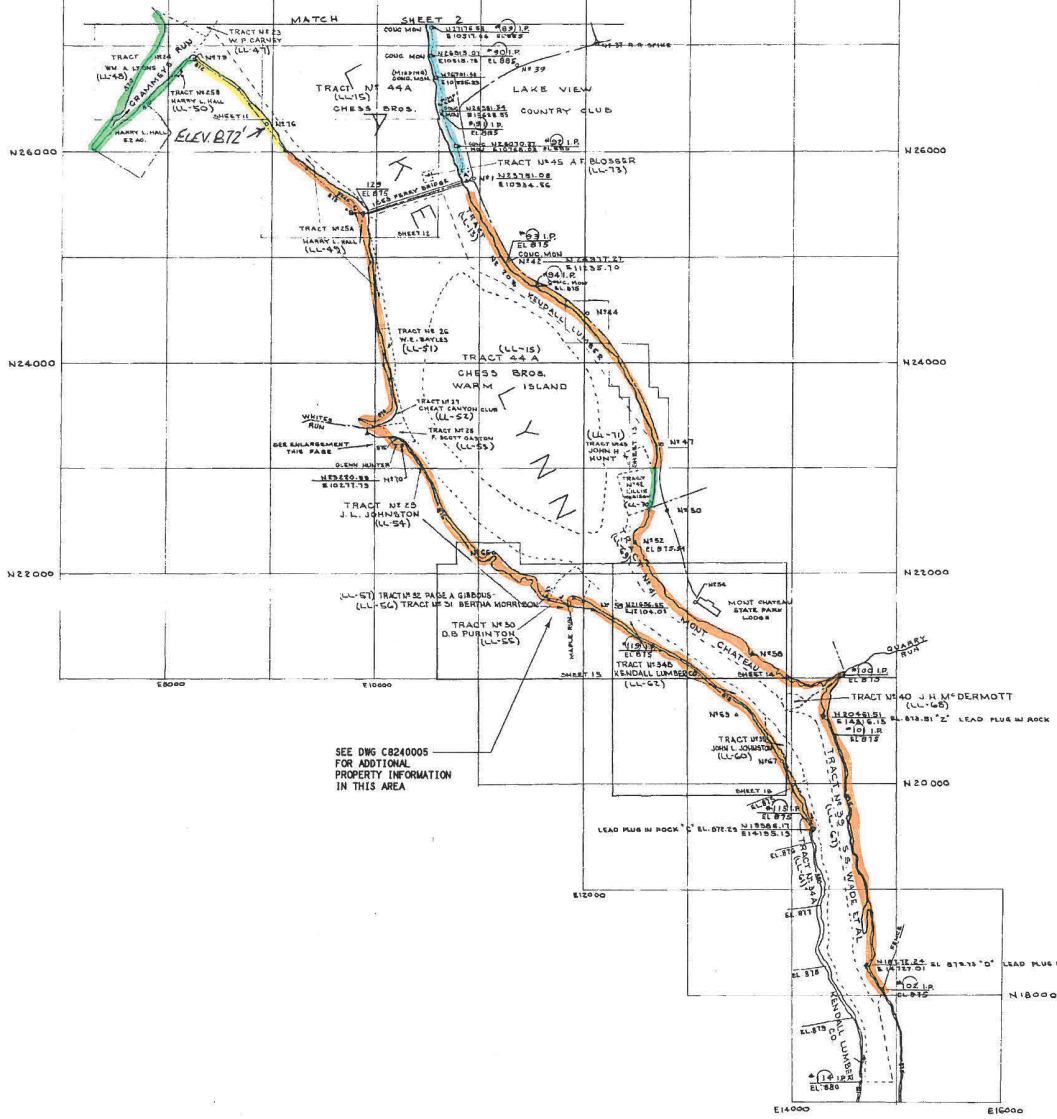
DATE	11-02-05
DRAWN BY	WEST PENN POWER CO.
CHECKED BY	LAKE LYNN
SCALE	AS SHOWN
PROJECT NO.	WEST PENN POWER CO. PROPERTY
REVISION	
BY	
DATE	
DESCRIPTION	
BY	
DATE	
DESCRIPTION	

UNION DIST. MONDAGLIA, CS W VA
G-A38985 D 1 2 3 4

1. REV. 0-25-93 REY MONS. PROP. NO. (1400.LLN.1) & (L-83) ASSESS M-79-19
2. REV. 3-16-95 ADD BML & DIST. PROP. NO. (L-11) & (L-83)
3. REV. 1-14-95 ADD PILE # 215 (L-1) & (L-83) & (L-84) & (L-85)
1. REV. 5-27-04 PROPERTY OWNER & TENANT NAME CHANGE

DRAWING NO. **G-A38985** SHEET **D**

DRAWING NO.	REFERENCE DRAWING



Legend

- Contour Elevation 885'
- Contour Elevation 875'
- Contour Elevation 873' & 872'
- Contour Elevation 870'
- No Contour - Property Line

SEE DWG C8240005
FOR ADDITIONAL
PROPERTY INFORMATION
IN THIS AREA

SHEET 3 OF 18	
DATE	WEST PENN POWER CO.
SCALE	LAKE LYNN
DATE	WEST PENN POWER CO.
PROJECT	PROPERTY
NO.	UNION DIST MONONGALIA CO W.VA.
DATE	1 12 13
DRAWING NO.	G-A38985
SHEET	D

3 REV 08-18-00 ADD REFERENCE NOTE TO DWG C8240005
2 REV 2-9-89 ADD PROP NR (LL-1) 5-18-89
1 REV 8-27-82 PROPERTY OWNER & TENANT NAME CHANGE

ATTACHMENT D

PASHPO AND WVSHPO ONLINE SUBMITTAL CONFIRMATION LETTERS

From: [PA-SHARE](#)
To: [Karen Bishop](#); [Angela Whelpley](#)
Subject: PA-SHARE Environmental Review Initial Submission Accepted by PA SHPO as 2024PR03290 Lake Lynn Hydroelectric Project (Project No. 2459-279)
Date: Friday, July 12, 2024 1:28:36 PM

Some people who received this message don't often get email from ra-phpsharednr@pa.gov. [Learn why this is important](#)

This is an automated notification sent by the Pennsylvania State Historic Preservation Office (PA SHPO) from the Pennsylvania's Historic and Archaeological Resource Exchange (PA-SHARE). Please do not reply directly to this email as it is an unmonitored account.

Hello,

Your Initial submission J85WOG3KYGVF has been accepted as a new Environmental Review project. You also may have received this email if you were named as a contact on the project. Please refer to Project Number 2024PR03290, Project Name Lake Lynn Hydroelectric Project (Project No. 2459-279) in future correspondence. You will receive further notifications from PA-SHARE when PA SHPO has completed their review of your submission. **No further action is required at this time.**

You can access the submission at:

<https://share.phmc.pa.gov/pashare/>

If you feel you have received this email in error or have questions about why you are receiving this email, please visit the PA-SHARE help page at <https://share.phmc.pa.gov/pasharehelp/> or contact the PA-SHARE Help Desk at pashare@pa.gov.

Thank you,

PA SHPO

From: [Montanez, Yvette](#)
To: [Angela Whelpley](#); [Karen Bishop](#)
Subject: WV SHPO Section 106 Review request - additional documents - shared folder
Date: Thursday, July 11, 2024 12:05:47 PM

You don't often get email from yvette.montanez@wv.gov. [Learn why this is important](#)

Hi,

Thank you for the GOapply WV SHPO Section 106 Review request.

Here is the direct link to the Microsoft Sharepoint folder to drop the additional documents. Documents and zipped folders only. Do not create folders.

LINK

HERE: <https://wvdach.sharepoint.com/:f:/s/WVSHPOakoyaGO/ErB1rm22xg5Hvzjeyf378ckBEP0PROjVBfu79BdMhznkZQ?e=vy2XuU>

Please let me know if you have any questions.

Thank you,

Yvette

Yvette Montanez <yvette.montanez@wv.gov>
State Historic Preservation Office
WV Department of Arts, Culture, and History
1900 Kanawha Blvd, East
Charleston, WV 25305

ATTACHMENT E

DRAFT ANNOTATED OUTLINE OF HISTORIC PROPERTIES MANAGEMENT PLAN

HISTORIC PROPERTIES MANAGEMENT PLAN

LAKE LYNN HYDROELECTRIC PROJECT
FERC No. 2459

Licensee:

Lake Lynn Generation, LLC

Prepared by:

Kleinschmidt Associates; Lake Lynn Generation, LLC

July 2024

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DEFINITIONS

Adverse Effect – Under Section 106 of the National Historic Preservation Act of 1966, an action that may alter, directly or indirectly, any of the characteristics of a historic property that qualify it for inclusion in the National Register of Historic Places in a manner that would diminish the integrity of the property’s location, design, setting, materials, workmanship, feeling, or association.

Area of Potential Effects – The geographic area or areas within which an undertaking may directly or indirectly cause alteration in the character or use of historic properties, if any such properties exist. The Area of Potential Effects for the Lake Lynn Hydroelectric Project is defined as the area within the Federal Energy Regulatory Commission Project boundary, as described in Section 2.1 of this Historic Properties Management Plan.

Consulting Parties – Those individuals or organizations with a legal or economic relationship to a proposed undertaking (under Section 106 of the NHPA) or that have a demonstrated interest in the undertaking’s effect on historic properties. The appropriate consulting parties for the Lake Lynn Project is dependent on the location in which the proposed undertaking is occurring within the APE. The consulting parties are further described in Section 1.3 of this Historic Properties Management Plan.

Effect – An alteration to any of the characteristics of a historic property that qualify it for inclusion in the National Register of Historic Places.

Historic Property – Any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior.

Historic Properties Management Plan – Under Federal Energy Regulatory Commission regulations, a framework that identifies responsibilities for managing historic properties during the construction and operation of a hydroelectric facility.

National Register of Historic Places – Established under provision of the National Historic Preservation Act of 1966, the National Register of Historic Places is the national list of districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology, engineering, or culture. The criteria for listing in the National Register of Historic Places are contained in 36 Code of Federal Regulations Part 60.

Programmatic Agreement – A document that records the terms and conditions agreed upon to resolve the potential adverse effects of a Federal agency program or complex undertaking. A

Programmatic Agreement for the Lake Lynn Hydroelectric Project was executed on September 21, 2021, as described further in Section 1.1 of this Historic Properties Management Plan.

State Historic Preservation Office – The state agency responsible for promoting and protecting the interests of the state and its citizens in historic preservation; the New Jersey State Historic Preservation Office administers Section 106 of the National Historic Preservation Act of 1966 in New Jersey, in partnership with the Advisory Council on Historic Preservation.

1.0 INTRODUCTION

1.1 Overview

This Historic Properties Management Plan (HPMP) was developed to guide Lake Lynn Generation, LLC (Licensee) in protecting historic properties within the Lake Lynn Hydroelectric Project (Federal Energy Regulatory Commission [FERC] No. 2459) (Lake Lynn Project) Area of Potential Effects (APE) and in integrating protection of historic properties with other Lake Lynn Project management goals and plans. This document was prepared to meet the requirements of the Lake Lynn Project's Programmatic Agreement (PA) among FERC, the Pennsylvania State Historic Preservation Office (PASHPO), and the West Virginia State Historic Preservation Office (WVSHPO), which was executed on [DATE]¹, and Article [XXX] of the License issued by FERC for the Lake Lynn Project on [DATE]. The Lake Lynn Project is owned by Lake Lynn Generation, LLC, a subsidiary of Eagle Creek Renewable Energy, LLC. Lake Lynn operates the Lake Lynn Project under the FERC license as Licensee.

The federal license issued by FERC to operate the Lake Lynn Project requires the Licensee to comply with a number of federal laws, regulations, executive orders, policies, and guidelines pertinent to the protection of cultural resources and historic properties. These requirements include compliance with Section 106 of the National Historic Preservation Act of 1966 (NHPA) (54 USC 300101 et seq., as amended) and the regulations implementing Section 106 issued by the Secretary of the Interior (Secretary) (36 Code of Federal Regulations [CFR] §800, *Protection of Historic Properties*). Section 106 requires FERC to take into account the effects of its undertaking (in this case, the licensed operation of a hydroelectric project) on historic properties within the Lake Lynn Project APE and to afford the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment.

This HPMP was developed under the supervision of a person² who meets the professional qualification standards for architectural history and archeology in the Secretary's Standards (48 FR 44738-39), and in accordance with the *Guidelines for the Development of Historic Properties Management Plans for FERC Hydroelectric Projects*, jointly issued by the FERC and the ACHP (2002).

¹ "Programmatic Agreement Between the Federal Energy Regulatory Commission, the Pennsylvania State Historic Preservation Office, and the West Virginia State Historic Preservation office that May be Affected by Issuing a License to Lake Lynn Generation, LLC, a subsidiary of Eagle Creek Renewable Energy, LLC, for the Continued Operation of the Lake Lynn Hydroelectric Project in Fayette County, Pennsylvania and Monongalia County, West Virginia (FERC No. 2459-XXX)" (Programmatic Agreement).

² [person who meets professional qualifications]

1.2 Description of the Lake Lynn Project

Lake Lynn Generation, LLC (Lake Lynn or Licensee) is the licensee, owner, and operator of the Lake Lynn Hydroelectric Project (Lake Lynn Project). The Lake Lynn Project is located on the Cheat River in Monongalia County, West Virginia and Fayette County, Pennsylvania, approximately 10 miles northeast of Morgantown, West Virginia. The Lake Lynn Project is located about 3.7 miles upstream of the confluence with the Monongahela River. The Lake Lynn Project includes a dam, impoundment, generating equipment, and transmission facilities. Water from the impoundment passes through one of the eight penstocks to the Lake Lynn powerhouse.

1.3 Consulting Parties

1.4 Organization of the HPMP

This HPMP is organized as follows. Section 2.0 includes a description of the Lake Lynn Project APE, historic context, and an inventory of known historic properties in the APE. Section 3.0 discusses the Lake Lynn Project historic property management goals. Section 4.0 discusses management procedures. Section 5.0 discusses procedures for HPMP implementation, updates, and dispute resolution. Cited references are provided in Section 6.0. Appendix A contains documentation of consultation related to this HPMP.

2.0 HISTORIC PROPERTIES AT THE LAKE LYNN LAKE LYNN PROJECT

2.1 Area of Potential Effects

The Lake Lynn Project APE includes the area within the FERC Project boundary, as depicted on Figure 1 and Figure 2.

Figure 1: Lake Lynn Project Area of Potential Effects

Figure 2: Aerial Imagery of Lake Lynn Project Area of Potential Effect

2.2 Historic Context

2.3 Historic Properties in the Lake Lynn Project APE

This section provides information on historic properties at the Lake Lynn Project. Under the NHPA and its implementing regulations (36 CFR §§ 800.1-800.16), the term "historic property" means any prehistoric or historic district, site, building, structure, or object, included in, or eligible for listing in, the National Register of Historic Places (NRHP) and includes properties of traditional, religious, and cultural importance to a Native American tribe that meet the NRHP criteria. The historic properties within or partially within the Lake Lynn Project APE are listed in Table 1; locations of the historic properties are shown on Figure 3 and further illustrated in Appendix B. There are no known archaeological resources in the Lake Lynn Project APE.

Table 1: Historic Properties within the Lake Lynn Project APE

Historic Property	Within Lake Lynn Project APE?

Source:

Figure 3: Historic Properties in the Lake Lynn Project APE

3.0 HISTORIC PROPERTIES MANAGEMENT AND PRESERVATION GOALS

The Licensee has outlined the following seven goals for managing the historic properties within the Lake Lynn Project APE. These goals are reflected in the management procedures for the historic properties discussed in this HPMP.

- 1) *Maintain and preserve the integrity of historic properties within the Lake Lynn Project APE while ensuring continued normal operation of the Lake Lynn Project.*

The Licensee is committed to managing the historic properties in a responsible manner that preserves their integrity while not impeding the Lake Lynn Project's safe and efficient production of energy and the management of the Lake Lynn Project lands and resources.

2. *Ensure the historic properties are managed in a way that does not impede the Licensee's ability to comply with the terms of their operating license and other applicable Federal, State, and local regulations.*

The FERC and the ACHP have recognized that the effective management of historic properties is not intended to turn hydroelectric projects into "museums" or jeopardize the ability of a licensee to fulfill all the terms and conditions of its FERC license or other regulations. Accordingly, the Licensee's management of historic properties in the Lake Lynn Project APE will be consistent with all requirements of the FERC license and with applicable Federal, State, and local codes and regulations.

3. *Avoid or mitigate adverse effects to known historic properties within the Lake Lynn Project APE.*

To the extent practical, the Licensee is committed to the preferred management policy of preservation in place or avoidance of adverse effects on historic properties. If adverse effects cannot be avoided, the Licensee will mitigate the adverse effects to the extent practical in consultation with the appropriate consulting parties.

4. *Maintain confidentiality regarding archeological sites and properties of traditional religious or cultural importance if encountered over the course of the license.*

Section 304 of the NHPA protects information regarding the location, character, or ownership of sensitive historic properties from public disclosure. The locations of the identified historic properties within the Lake Lynn Project APE are publicly known. Should sensitive historic properties be identified in the future, the Licensee will share information

regarding these historic sites and properties of traditional or cultural importance with the appropriate consulting parties and FERC but will maintain confidentiality and not disclose this information to the public unless approved in advance by the PASHPO, the WVSHPO, and FERC.

5. *Practice good stewardship of historic properties by providing training to appropriate personnel.*

The Licensee recognize that the management and preservation of historic properties requires the participation of personnel at all levels. The Licensee will train appropriate personnel.

6. *Coordinate the management of historic properties with the Licensee's management of recreational, ecological, and other resources associated with the Lake Lynn Project.*

If the Licensee will implement additional management measures for the Lake Lynn Project, then the Licensee will coordinate these measures with the management of historic properties in a manner than ensures compliance with the HPMP and is consistent with implementation of license requirements.

7. *Undertake public interpretation of selected aspects of the historic and archeological values of the Lake Lynn Project.*

The Licensee will preserve and maintain the dam and powerhouse at the Lake Lynn Project and provide occasional supervised public tours of the powerhouse throughout the term of the new license. The Licensee will maintain current interpretive signs at Cheat Lake Park and along the Cheat Lake Trail.

4.0 HISTORIC PROPERTIES MANAGEMENT PROCEDURES

The Licensee will undertake the following measures to manage historic properties within the Lake Lynn Project APE that might be affected by the Lake Lynn Project.

4.1 Designation of a Cultural Resources Coordinator

The Licensee will designate a Lake Lynn Project Cultural Resources Coordinator (CRC)³ who will coordinate the implementation of the HPMP and ensure that all cultural resource requirements of the FERC license are met. The CRC's responsibilities will also include review of uses and activities (including proposed actions by others within the Lake Lynn Project APE) to determine the potential effect to historic properties, consultation with the PASHPO and the WVSHPO and other consulting parties as appropriate regarding potential effect to historic properties, maintenance of relevant records, and coordination of personnel training and public outreach programs. Where the term CRC is used in this HPMP, it refers to specific duties and obligations of the Licensee. The cultural resource information in the HPMP will be updated periodically as discussed in Section 5.3, *HPMP Updates and Amendments*, and prior to any major action, a due diligence records search will be conducted in consultation with the PASHPO and the WVSHPO. Although there are no known archaeological resources in the Lake Lynn Project APE, should any be identified, the CRC will ensure that all locational information of archaeological resources is treated as non-public privileged information.

4.2 Use of Qualified Consultants

The Licensee will ensure that future cultural resource studies associated with the Lake Lynn Project are directed by employees or consultants appropriate to the undertaking that meet the Secretary's Professional Qualification Standards (36 CFR Part 61).

4.3 Maintenance and Operation of the Lake Lynn Project

The Licensee will manage the Lake Lynn Project in accordance with the FERC license, the PA and HPMP, and applicable Federal, State, and local regulations and guidelines, including:

- Archeology and Historic Preservation; Secretary of the Interior's Standard and Guidelines. *Federal Register*, September 29, 1983, Vol. 48, No. 190, Part IV, pp. 44716-44740 (NPS 1983);
- United States Department of the Interior, 1990, *The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*;

³ The Lake Lynn Project Cultural Resources Coordinator can be a Licensee staff member.

- United States Department of the Interior, 1996, *Secretary of the Interior's Standards and Guidelines for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes*, <https://www.nps.gov/tps/standards.htm>; and

The Licensee will consult with the appropriate consulting parties prior to undertaking any planned, non-emergency maintenance or construction activities that could adversely affect the historic properties in the Lake Lynn Project APE.

4.3.1 Categorical Exclusions

The Licensee has developed a list of Categorical Exclusions (CEs) for activities not requiring consultation with the PASHPO and WVSHPO because these activities would have no direct or indirect adverse effects on the historic properties. These CEs are listed below and are generally associated with the maintenance of the dam, modifications to the interior of the powerhouse, and modifications to equipment necessary to operate the hydroelectric development. The Licensee will consult with the PASHPO and the WVSHPO regarding external maintenance at the powerhouse. The following Lake Lynn Project activities will not have an adverse effect on historic properties and thus will not require consultation with the PASHPO and the WVSHPO or consultation with other consulting parties. The CEs are also exempted from review under the definition of "undertakings" found in the NJRHPA, and no Project Authorization application shall be required:

- 1) **Routine Maintenance, Vandalism, and In-Kind Repair:**
- 2) **Routine Maintenance and Repair of Dam:**
- 3) **Environmental Monitoring:**
- 4) **Safety, Vandalism Prevention, and Technology/Automation:⁴**
- 5) **Emergency Situations:**

⁴ Certain appliances described in this section (for example those associated with safety requirements and building codes) may need to be reviewed by the appropriate agency or municipality, but review of the appliances described herein will not require review with the NJSHPO.

4.4 Consideration of Historic Properties in Lake Lynn Project Actions

The Licensee will implement the following procedures to ensure that historic properties within the Lake Lynn Project APE are appropriately considered in Lake Lynn Project actions, including minimization of any potential unavoidable adverse effects.

4.4.1 Proposed Lake Lynn Project Actions

The Licensee will initiate a review process prior to commencement of any new construction, modifications, ground-disturbing activities, or development of any works or other facilities associated with the Lake Lynn Project or Lake Lynn Project related enhancements that could directly or indirectly impact historic properties.

The Licensee will consult with the PASHPO and the WVSHPO prior to undertaking planned non-emergency maintenance or construction activity that could directly or indirectly adversely affect the historic properties within the Lake Lynn Project APE and is not covered under the list of CEs. If the Licensee and consulting parties agree that the proposed action will not adversely affect historic properties, the Licensee will document this finding for inclusion in the *Annual Report on Lake Lynn Historic Properties* and will proceed with the action.

Should one or more of the consulting parties determine that these activities have the potential to affect historic properties, the Licensee will undertake identification and evaluation studies as necessary, in accordance with relevant Federal and State regulations and procedures.

Any required studies or evaluations will be conducted by or under the supervision of persons meeting the Secretary's Professional Qualifications Standards (36 CFR 61) related to the undertaking. The Licensee will provide original quality copies of all completed reports of studies to the identified consulting parties and will consult with them regarding the findings.

If the Licensee and the consulting parties agree that the action will have an adverse effect on a historic property, they will agree on measures by which adverse effects will be minimized or mitigated through the implementation of treatment conditions or measures. The Licensee will then carry out the terms of the agreement. Once the terms of the agreement have been satisfied, the Licensee will proceed with its proposed action.

If at any point in this process, the Licensee and the consulting parties do not agree and the disagreement cannot be resolved through continued consultation, the Licensee will notify FERC. FERC will resolve the dispute following the Dispute Resolution process outlined in the PA and Section 5.4.

4.5 Protection of the Lake Lynn Project Historic Properties from Vandalism

The Licensee will take necessary steps and precautions to protect historic properties within the Lake Lynn Project APE, including the powerhouse, from vandalism. Observed suspected vandalism will be addressed with immediacy under the CE section or through consultation, if appropriate, to the level of intervention required.

4.6 Unanticipated Discoveries of Previously Unidentified Properties

While it is unexpected, there is the small possibility that undocumented archeological sites or other cultural resources and previously unidentified historic properties will be discovered within the Lake Lynn Project APE during the term of the license. Such discoveries could be made by members of the public, license staff, or contracted personnel. Any such discoveries will be added to the list of potential resource locations maintained by the Licensee and reported to the appropriate consulting parties. If unanticipated discoveries are made during ongoing work, or if ongoing work has potential to disturb unanticipated discoveries, the Licensee will halt such work and consult with the WVSHPO, PASHPO and Tribes regarding any need for reassessment, documentation, and/or avoidance.

4.7 Unanticipated Discoveries of Human Remains

In the event that human remains are found, uncovered, suspected, or otherwise identified within the Lake Lynn Project APE, the Licensee will follow applicable Federal and State laws and the ACHP's *"Policy Statement Regarding Treatment of Burial Sites, Human Remains and Funerary Objects"* February 23, 2007, and the *Native American Graves Protection and Repatriation Act*, as appropriate.

Furthermore, in the event that human remains are found, uncovered, suspected, or otherwise identified within the Lake Lynn Project APE, any ongoing work or planned work will be halted within a 20-meter (65-foot) radius. The Licensee will take steps to secure the area and will notify the County Medical Examiner and the State Archaeologist. If the remains are identified and believed to be Native American, the State Archaeologist will then notify the Delaware Nation, Oklahoma Delaware Tribe of Indians, Osage Nation, and the West Virginia Committee on Native American Ministries, and the Pennsylvania Indian Affairs Committee.

If the remains are in a historic context and believed not to be Native American, consultation and treatment of the remains will follow provisions of West Virginia and Pennsylvania state laws.

4.8 Emergency Situations

The protection of historic properties will be considered during emergency situations to the extent reasonably feasible. The Licensee will consult with the appropriate consulting parties about historic preservation issues at the earliest possible opportunity following an emergency situation.

If historic properties are damaged during the emergency situation, the Licensee will conduct an assessment of the damage and develop site-specific interim treatment plans, as appropriate, to address the damage to these historic properties or to protect them from ongoing or potential damage while in consultation with the consulting parties about permanent repairs and other required interventions.

4.9 Public Interpretation

The Licensee recognizes that the management and preservation of historic properties requires the participation of the general public as well as the Lake Lynn Project owner and regulatory agencies. Public education and interpretation are a valuable part of resource management.

5.0 HPMP IMPLEMENTATION PROCEDURES

5.1 Implementation Schedule

The Licensee will begin implementing the Historic Properties Management Procedures outlined in Section 4.0 of this HPMP immediately upon approval of this HPMP by FERC.

5.2 Annual Reporting

The Licensee will prepare a brief *Annual Report on Lake Lynn Project Historic Properties* (Annual Report) to provide PASHPO, WVSHPO (and other consulting parties, as appropriate), and FERC with a summary of activities conducted during the preceding year that potentially affect historic properties and avoidance measures exercised, if applicable. Additionally, the Annual Report will include a brief description of known activities proposed, if any, for the next calendar year with the potential to affect historic properties. The Annual Report will be provided annually after FERC approves the HPMP and will be filed by the end of February the following year. The Annual Report will:

- Identify the actions or undertakings that required consultation and the results of that consultation;
- Report any inadvertent discoveries and any actions taken by the Licensee as a result;
- Include any recommendations regarding amendments to the HPMP;
- Identify changes to Federal and State laws and regulations governing cultural resources that could affect management of the Lake Lynn Project; and
- Describe any identified activities to be conducted during the following year that may potentially affect historic properties within the Lake Lynn Project APE.

If no work was completed, the Licensee will submit a letter to the PASHPO, WVSHPO, and FERC to that effect.

5.3 HPMP Updates and Amendments

This HPMP may require updating or amending to improve administration of the HPMP or as historic properties management needs change. The Licensee will consult with the consulting parties every 10 years to determine if updates to the HPMP are warranted.

It is also possible that amendments to the HPMP may be needed at other times during the duration of the license. If so, any of the consulting parties may suggest an amendment to the HPMP and submit the proposed amendment in writing to FERC and the other consulting parties. The amendment will not be implemented until the amended HPMP is approved by FERC.

5.4 Dispute Resolution

If at any time during implementation of this HPMP, either the Licensee or any of the consulting parties cannot reach agreement regarding implementation of any aspect of this HPMP or objects to any action or any failure to act pursuant to this HPMP, they may file written objections with FERC.

FERC will then consult with the objecting party, and with the other parties as appropriate, to resolve the objection. FERC may also initiate, on its own, such consultation to remove any of its objections.

If FERC determines that the dispute cannot be resolved, it will forward all relevant documentation to the ACHP and request that the ACHP comment. Within 30 days after receiving the documentation, the ACHP will either (1) provide FERC with recommendations, which it will take into account in reaching a final decision; or (2) notify FERC that it will comment pursuant to 36 CFR Sections 800.7(c)(1) through (c)(3) of the NHPA and proceed to comment.

FERC will take into account any such ACHP comment provided in response to such a request, with reference to the subject of the dispute, and will issue a decision on the matter.

6.0 REFERENCES

APPENDIX A

CONSULTATION DOCUMENTATION

APPENDIX B

OVERVIEW OF HISTORIC PROPERTIES