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FEDERAL ENERGY  
REGULATORY COMMISSION

Warren Thels  
1948 Planters Dr.  
Huddleston, VA 24104

Magalie Roman Salas, Secretary  
Federal Energy Regulatory Commission  
888 First Street, NE  
Washington, DC 20426

Project #: P-2210-090  
Applicant: Appalachian Power Company  
Name of Project: Smith Mountain Pumped Storage  
Project Location: Smith Mountain Lake, VA  
Date: April 16, 2005  
Submitted by: Warren Thels

Reference: Letter, Subj: same as above, sent to FERC from Mr. W. Brush, dated April 18, 2005

Dear Secretary Salas:

Thank you for the opportunity to comment on the DRAFT Environmental Assessment (DEA) dated February 2005. I am a homeowner in Bedford County with a lakefront business property that has incurred silt damage in my cove the past four years caused by development activities in the watershed. Trying to convince government and business entities to remediate the silt damage has been a daunting task, and to date unsuccessful.

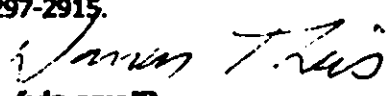
I am the citizen that the referenced letter identifies in the Erosion and Silt (E&S) paragraph. I have been completely frustrated by business and government not taking responsibility to correct the siltation, even though some have statutory authority to enforce state and local erosion and sedimentation laws. I have written letters, e-mails, provided digital photos of continuing erosion and silt damage and spoke at County meetings in an effort to stimulate action. I will continue to pursue any possible avenue to force the developer to remediate the silt damage he has caused. Therefore, I completely agree with the statements made in the E&S paragraph of the referenced letter.

I am particularly concerned that this statement from the E&S paragraph "[As a related note, APCO's Draft Study Plan states that removal of this sedimentation is the adjacent landowner's responsibility, even though the sediment lies within the project's boundary and that owner may not be the cause.]" will set a precedent for AEP to escape their responsibility and authority to enforce the Shoreline Management Plan. That statement needs to be deleted from the Draft Study Plan. Remediation studies should be conducted and solutions determined to restore lost shoreline and to mitigate further project damage. [Clearly, the Shoreline Management Plan (SMP) is ineffective in stopping further sedimentation in this area of the project.

There must be a local body to effectively and efficiently resolve issues/disputes at the local level. If a dispute arises over shoreline use, APCO becomes the sheriff, the judge and the jury. Appeals to the Commission are not possible and the only recourse is the legal system. Therefore, I fully support Mr. Brush's comments in the Local Dispute Resolution and Oversight paragraph of the referenced letter.

I can provide the history, e-mail correspondence, and photos of the silt damage as requested, please call at (540) 297-2915.

Sincerely, Warren Thels



Cc: Mr. Frank Simms, APCO (via email)  
Mr. Russ Johnson, Chairman TCRC (via email)  
Mr. Charles Neudorfer, Vice Chairman TCRC (via email)