



**COMMONWEALTH OF VIRGINIA**  
**Department of Game and Inland Fisheries**

W. Tayloe Murphy, Jr.  
*Secretary of Natural Resources*

*1132 Thomas Jefferson Road*  
*Forest, Virginia 24551-2269*

William L. Woodfin, Jr.  
*Director*

April 12, 2005

Magalie R. Salas, Secretary  
Federal Energy Regulatory Commission  
888 First Street, N.E., Room 1A  
Washington, DC 20426

**Re: Smith Mountain Hydroelectric Project No. 2210-090**  
**Draft Environmental Assessment – Application for Shoreline Management Plan**  
**April 7, 2005 Public Meeting – Shoreline Management Plan**

Dear Secretary Salas:

Thank you for the opportunity to comment on the Draft Environmental Assessment (DEA) for the Smith Mountain/Leesville Lakes Shoreline Management Plan. Before I present our comments on the DEA, I would like to make a few comments regarding the recent (April 7, 2005) public meeting held in Bedford, Virginia to take further comments on the Draft Shoreline Management Plan (SMP). I attended the meeting, but was not prepared to make any comments at that time. Several organizations represented at the meeting indicated that Appalachian Power Company (APCO) has been neither “open or responsive to the citizens” of the Smith Mountain Lake community regarding the SMP. The Department of Game and Inland Fisheries (DGIF) has cooperated with APCO on many projects and issues through the 40+ years that the project has been in existence, and we have always found APCO to be both open and responsive to not only the DGIF but to the lake and downstream community as a whole. While the SMP may not be perfect for all parties including the DGIF, it represents a two year process of cooperation and compromise by all the stakeholders and there needs to be an ending point to the process. While the SMP may need a few additions and changes, the DGIF does not believe that wholesale changes are needed. The plan represents a document of compromise and we believe that it would be unfair to all the other stakeholders that were at the table for the two year process to open the planning process again without allowing all parties to have their areas of concern revisited. The DGIF compromised in many areas in the development process and if the process is opened again, we will ask to revisit several areas of the plan including the following:

- Shoreline classifications (Impact minimization zone and Conservation/Environmental),
- Dredging and/or Excavation
- Vegetative Cover Regulations
- Woody Debris Regulations

**4010 West Broad Street, P. O. Box 11104, Richmond, VA 23230-1104**  
**(804) 367-1000 (V/TDD) Equal Opportunity Employment, Programs and Facilities FAX (804) 367-9147**

Magalie R. Salas, Secretary  
April 12, 2005  
Page 2

Please consider the following comments on the Draft Environmental Assessment.

### **3.0 Proposed Plan and Alternatives**

**Page 5 – Dredging Provisions** – The DGIF is still concerned with the potential cumulative environmental impacts of allowing adjoining landowners to dredge less than 25 cubic yards from the lake without a permit. The U.S. Army Corps of Engineers Nationwide Permit #19 allows such activity to take place and the only oversight into the need for such dredging is notification to AEP 10 working days prior to the commencement of dredging. DGIF believes that allowing these small dredging projects around the lake without permitted oversight has the potential to cause significant cumulative harm to the aquatic environment through loss of habitat. We concede that dredging is a necessity in some cases, but without permitted oversight, there is the potential for unnecessary dredging. We recommend that the SMP include a permitting process for dredging activities of less than 25 cubic yards.

### **5.0 Environmental Analysis**

**Page 23 – Aquatic Habitat (Environmental Effects)** – This section of the EA states that “The Smith Mountain SMP also requires shoreline landowners to take responsibility for the health and viability of submerged aquatic vegetation (SAV) when building piers and/or docks. Retaining the health and viability of SAV helps maintain water quality since SAV absorbs nutrients, reduces wave action, and provides stabilization of the substrate.” We are pleased that the FERC recognizes the importance of SAV to the health of Smith Mountain Lake. The SMP does have provisions for protecting wetland and associated SAV beds; however, there is nothing in the SMP that protects native aquatic vegetation that is not associated with a wetland. Current Virginia law allows adjoining landowners to chemically treat SAV beds without a permit as long as the chemical label instructions are followed and a certified applicator is used where appropriate. Environmental damage caused by such treatments is the responsibility of the party making the treatment and they are liable for any associated damages. The DGIF recognizes the need to control exotic aquatic vegetation, however, often times during such treatments native vegetation is also treated. We believe that there needs to be a permit system to provide oversight of SAV treatments on Smith Mountain Lake and this permitting system should be incorporated into the SMP.

**Page 25 – Fisheries (Environmental Effects)** – This section of the EA states that “Two of the most important requirements in the SMP for protection of the lake fisheries are (1) the requirements to protect aquatic vegetation, and (2) minimizing the removal of lap trees and other woody debris. Juvenile fish benefit from the protection of SAV beds that provide important cover and feeding habitat. Lap trees and woody debris would continue to provide cover and feeding areas for inshore fish.” Once again, we are pleased that the FERC recognizes the importance of both vegetation and woody debris to the health of both the Smith Mountain Lake and Leesville Lake fisheries. As stated above, currently the only aquatic vegetation that is

Magalie R. Salas, Secretary  
April 12, 2005  
Page 3

protected in the lake are those beds associated with wetlands. We believe that more could be done to protect native SAV beds not associated with wetlands through a treatment oversight permitting system. As currently written, the SMP “discourages” removal of existing submerged woody debris from the lake that has a diameter of 10 inches or greater at the base of the trunk unless such debris constitutes a navigational or public safety hazard. The DGIF accepted this provision during the development of the SMP as a compromise point in the negotiations knowing full well that “discouraging” adjoining landowners from removing woody debris would mean that most lap trees would be removed. Given that there is no requirement to leave lap trees in the lake, we believe that the EA should reflect that removal of lap trees and woody debris will be extensive and thus provide little protection for the fisheries of the two lakes.

Our final comment pertains to the Monitoring and Enforcement Procedures outlined in the SMP. Many organizations have commented on the need for additional APCO staff to provide monitoring and enforcement of the SMP. The DGIF also believes that APCO needs to commit to providing additional staff to monitor and enforce the SMP. The current staff is greatly overworked and are not capable of keeping up with the many monitoring and enforcement areas that will be required with the proper implementation of the SMP. Without proper staffing levels, the DGIF does not believe that APCO will be able to adequately fulfill its license responsibilities and obligations for protecting and enhancing the project’s recreational, environmental, cultural, and scenic resources.

Once again, thank you for the opportunity to review and comment on the Shoreline Management Plan EA. If you have any questions regarding these comments, please contact me at 434-525-7522.

Sincerely,

/S/ A. L. LaRoche, III

Arthur L. LaRoche, III  
Regional Fisheries Manager

ALL/all

Cc: R. T. Fernald  
F. D. Leckie  
G. F. Martel  
D. Sutherland - USFWS