Appendix B
Consultation Letters and Responses*

Note:** ***Comments on the Draft EIS were received from the following agencies and have been added to the end of this appendix for the Final EIS: U.S. Fish and Wildlife Service (USFWS), Greenbrier County Historical Society, West Virginia State Historic Preservation Office (WV SHPO), and National Park Service (NPS). DOE met with NPS representatives on March 19, 2007 to discuss concerns as stated in their comment letter; a letter from DOE, which summarizes the main points of the meeting discussions, was submitted to NPS and is included in this appendix.

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POTOMAC-HUDSON ENGINEERING, INC.
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April 28, 2004

Brian McDonald
The West Virginia Natural Heritage Program
P.O. Box 67
Elkins, WV 26241

RE: Environmental Impact Statement (EIS), Western Greenbrier Co-Gen, LLC, Co-Production Facility

Dear Mr. McDonald:

Potomac-Hudson Engineering, Inc. (PHE) is supporting the U.S. Department of Energy (DOE) in preparing an Environmental Impact Statement (EIS) for a Co-Production Facility that would be sited in Rainelle, Greenbrier County, West Virginia. The proposed facility would be constructed and operated by Western Greenbrier Co-Gen, LLC (WGC), with DOE providing financial support through a 5-year cooperative agreement with WGC under the DOE Clean Coal Power Initiative (CCPI) Program. The facility would be designed for long-term commercial operation (at least 20 years) following completion of the cooperative agreement. DOE's support would amount to 50% (approximately $107.5 million) of the development cost for the proposed facility.

This letter is being submitted to your office to solicit your input on the project. To assist us in assessing any potential environmental impacts of this project, we are requesting a list of any existing or proposed federally protected and special status species for Greenbrier County, as well any site-specific information for the areas indicated on the enclosed maps. Primary local impacts to biological resources are expected to be related to site development and other land-disturbing activities from the project (see below for project description).

Proposed Co-Production Facility and Related Actions

WGC is proposing to design, construct, and operate an 85 MW ACFB power plant that would generate electricity and steam by burning approximately 1,800 tons per day (tpd) of waste coal as the primary fuel. The power plant would be located on a 26-acre site immediately to the south of Sewell Creek and the City limits of Rainelle. Material handling and other support facilities would be located on properties to the north of Sewell Creek adjacent to a currently undeveloped industrial park (the Eco Park). A coal-fired rotary kiln associated with the power plant would combine coal ash and limestone into a cement-like material for use with wood wastes to manufacture structural building blocks (Woodbrik™). Currently, it is anticipated that the Woodbrik™ manufacturing plant would be located on the north side of Sewell Creek adjacent to the Eco Park. The power plant would likely serve as the anchor for future tenants at the Eco Park by providing a source of steam and hot water supply for building heating and other industrial activities.

Waste coal would initially be obtained from waste coal piles located at Anjean (see attached figures). Excess combustion ash not needed for Woodbrik™ manufacture would be used to remediate acid drainage from the source waste coal piles. WGC is in the process of determining additional waste coal

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NEW JERSEY
NORTH CAROLINA

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pile sites for obtaining fuel source once the Anjean piles are depleted (currently estimated at 6 to 7 years). Generally, future waste coal pile sites that would be used would be within 20 to 30 miles of the power plant site. Both rail and truck are being considered as transportation options for the waste coal fuel, raw materials (e.g., limestone), and waste removal.

Additional components of the proposed project, as indicated on the enclosed maps, include the construction of power lines, the extension of a steam line to Georgia Pacific Lumber, and construction of reclaimed water supply line from the Rainelle sewage treatment plant. A combination of groundwater and reclaimed wastewater would be used for supplying water to the plant. It is anticipated that the steam and water lines will be constructed along existing railroad right-of-ways.

In addition, due to the nature of the proposed facility and associated air emissions with the operation, we are also considering the potential for regional-level impacts. Therefore, we are requesting information on protected and special status species and habitats for counties within a 30-mile radius of the proposed project site that may be sensitive to changes in atmospheric conditions. These counties include:

- Nicholas
- Fayette
- Summers
- Raleigh
- Monroe
- Webster, and
- Pocahontas

We are very interested in receiving your comments on the proposal and instructions for any further coordination. If you have any questions, please do not hesitate to call.

Sincerely,

Fred Carey, P.E.
Project Manager

Attachments:
General Location Map
Topographic Map of Proposed Power Plant Site
Aerial Photograph of Proposed Power Plant Site
Topographic Map of Anjean
Aerial Photograph of Anjean

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OTHER LOCATIONS IN CALIFORNIA ▪ NEW JERSEY ▪ NORTH CAROLINA

WEST VIRGINIA DIVISION OF
CULTURE AND HISTORY

July 20, 2004

Mr. Mark L. McKoy
US DOE
3610 Collins Ferry Road
P.O. Box 880
Morgantown, WV 26507

RE: Western Greenbrier County Production Project
FR#. 04-705-GBI

Dear Mr. McKoy:

We have reviewed the above mentioned project to determine its effects to cultural resources. As required by Section 106 of the National Historic Preservation Act, as amended, and its implementing regulations, 36 CFR 800: "Protection of Historic Properties," we submit our comments.

The West Virginia State Historic Preservation Office has reviewed the proposed project to construct a power plant on the site of the former Meadow River Lumber Company at Rainelle, Greenbrier County. Thank you for meeting with us on May 12, 2004 to discuss options to decide a plan of action in order to make the power plant construction have as little an effect on cultural resources as possible. It is our understanding that the following is already within your scope of work and that you would like the West Virginia State Historic Preservation Office to decide what other additional actions must be performed to record cultural resources that may be effected by this project.

Actions contained within existing scope of work:

- Perform research on architectural history and archaeological sites using maps, documents, and reports at the West Virginia Division of Culture and History.
- Review of materials at local libraries, historical societies, and museums.
- Coordination with relevant government agencies.
- Walkover survey of the proposed 26-acre power plant site, power line corridors, rail spur corridors and access roads.
- Windshield survey and brief walkover survey of the Anjean and Nettie coal waste sites (or other designated waste site localities, assuming each locality is approximately 200 acres).
- Review of historical map data, various files and records, and field observation to assess the potential for the study areas to contain historic buildings and structures.
- Review of geomorphological data, land-use history, historic map data, and field observations to assess the potential of areas to contain subsurface artifacts.
- Review of various aspects of the project to consider the potential for the project to impact significant cultural resources.
- Suggest mitigation options for any significant impacts that might arise from the proposed project.

Additional Work the West Virginia State Historic Preservation Office will require:

We would like to have the following additional work added to the current scope of work for the draft Environmental Impact Statement (EIS):

- A map showing district boundaries and potentially historic properties (excluding individual company houses but including more significant structures) would be created. Photos and information could be keyed to the electronic version of the map. **We are of the opinion that the company houses are as significant as any of the other structures and would require them to be mapped as well.**

THE CULTURAL CENTER • 1900 KANAWHA BOULEVARD, EAST • CHARLESTON, WEST VIRGINIA 25305-0300
TELEPHONE 304-558-0220 • FAX 304-558-2779 • TDD 304-558-3562
EEO/AA EMPLOYER

- Renderings made of the affected views (visualizations) from selected properties.
- Detailed design plans for the proposed project showing building placement, elevations, access roads, etc....
- A Phase I archaeological survey be conducted within high-probability areas along the selected corridor for the steam and water-supply pipelines as well as the excavation of one or more backhoe trenches in high probability areas that have been identified where there would be ground disturbance by the project. Phase I archaeological testing of the benches (designated a relatively undisturbed during walkover survey) located south of fence line in the Sewell Creek area. Phase I archaeological survey at the location where the footers for the stack and building are being placed.
- A screening archaeological survey be conducted to identify high-probability areas within any new park land acquired by the city as part of a land exchange with Western Greenbrier Co-Gen., LLC.
- Results of the walkover survey of the Anjean and Nettie coal waste sites were presented at the May 12, 2004 meeting held at our office. Information submitted for review indicates that snow cover restricted access to some portions of the project area. Have these areas subsequently been survey?
- Submission of copies of reports, maps, and special computer files created as part of the project's cultural resources impact assessment.
- Submission of a map illustrating areas of disturbance within the proposed project area.

We look forward to receiving the draft Environmental Impact Statement. We will complete our review upon receipt of the materials requested.

We appreciate the opportunity to be of service. *If you have questions regarding our comments or the Section 106 process, please contact Ryan Burns, Historian or Carolyn Kender, Archaeologist, in the Historic Preservation Office at (304) 558-0240.*

Sincerely,

Jennifer W. Murdock
Program Coordinator for Review and Compliance

JWM:cmk/rb

U.S. Department of Energy

National Energy Technology Laboratory

May 20, 2005

Ms. Jennifer W. Murdock
Program Coordinator for Review and Compliance
West Virginia Division of Culture and History
The Cultural Center
1900 Kanawha Blvd., E.
Charleston, WV 25305-0300

Dear Ms. Murdock:

Thank you for your letter of July 20, 2004 to Mr. Mark McKoy, in which you indicate additional work the West Virginia State Historic Preservation Office will require for the Western Greenbrier Co-Gen Project in Greenbrier County. Enclosed please find the following reports which were developed to address your comments: (1) *Historic Resources Determination of Eligibility and Assessment of Effect;* and (2) *Phase I Archeological and Geomorphological Investigations*. Specific items you indicated should be addressed in the draft Environmental Impact Statement and their current status are listed below.

Items included in the *Historic Resources Determination of Eligibility and Assessment of Effect report:*

- A map showing distinct boundaries and potentially historic properties
- Renderings made of the affected views from selected properties

Items included in the *Phase I Archeological and Geomorphological Investigations report:*

- Phase I archaeological surveys within high-probability areas
- Screening archaeological surveys
- Results of the walkover survey of the Anjean and Nettie coal waste sites – Nettie is no longer under consideration for the project. Walkover surveys of Anjean were conducted in April 2004.
- Submission of a map illustrating areas of disturbance within the proposed project area

Additional Items

- Detailed design plans for the proposed project - Design iterations for the facility are on-going and the latest version of the site layout will be presented in the DEIS; however, the enclosed reports indicate the boundary limits within which land-disturbing activities would be expected to take place.
- Submission of copies of reports, maps, and computer files - Reports and maps are enclosed with this letter. GIS data sets have been developed that contain aerial mapping and historic district boundaries. This information can be made available to your office upon request of a specific data format, and after completion of the DEIS.

We look forward to your review comments of the materials presented. Should questions or additional comments arise, please contact Mr. Mark McKoy at 304-285-4426, Mark.McKoy@ netl.doe.gov, or me at the Morgantown Office numbers or address listed below.

Sincerely,

Roy G. Spears
Environment, Safety, and Health Division

Enclosures
Historic Resources Determination of Eligibility and Assessment of Effects
Phase I Archeological and Geomorphological Investigations

3610 Collins Ferry Road, P.O. Box 880, Morgantown, WV 26507-0880 □ 626 Cochrans Mill Road, P.O. Box 10940, Pittsburgh, PA 15236-0940
REPLY TO: Morgantown Office • roy.spears@netl.doe.gov • Voice (304) 285-5460 • Fax (304) 285-4403 • www.netl.doe.gov

Appendix B

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EEO/AA Employer

July 5, 2005

Mr. Roy G. Spears
US Department of Energy
3610 Collins Ferry Road
P.O. Box 880
Morgantown, WV 26507

RE: Western Greenbrier County Production Project
FR#: 04-705-GB-2

Dear Mr. Spears:

We have reviewed the additional information submitted for the above referenced project to determine its effects to cultural resources. As required by Section 106 of the National Historic Preservation Act, as amended, and its implementing regulations, 36 CFR 800: "Protection of Historic Properties," we submit our comments.

Architectural Resources:
The West Virginia State Historic Preservation Office has reviewed *Historic Resources Determination of Eligibility and Assessment of Effects West Greenbrier Co-Production Demonstration Project Greenbrier County West Virginia* for impacts to architectural resources. Unfortunately, we cannot complete our review with the materials submitted. The information submitted is very useful for the completion of the Section 106 review process. Although your report concludes that the proposed stack will have no adverse effect on the historic districts; it does not indicate if the public have commented upon this obvious visual intrusion. Consideration of public comment is also a part of the review process; therefore, we request that public comment be sought through a public meeting to be held in Rainelle regarding the proposed changes to the view shed. We also ask that the Greenbrier County Historical Society be contacted and given both the architectural and archaeological reports for their comment on the proposed plant. Their address is as follows:

Greenbrier County Historical Society
301 West Washington Street
Lewisburg, WV 24901

We ask that our office be notified when the public meeting will be held at least two weeks in advance in order to give a representative from this office the opportunity to attend. Finally, please submit comments from the Greenbrier County Historical Society to this office for our review. We will complete our review upon receipt of the materials requested.

Archaeological Resources:
We have reviewed the report, "Phase I Archaeological and Geomorphological Investigations of the Proposed Western Greenbrier Co-Production Plant, Rainelle, Greenbrier County, West Virginia." The report satisfactorily addresses our concerns regarding the presence of archaeological sites within the project area. It is our understanding that, by the time Stage 2 of the Phase I survey was conducted in November 2004, several changes had occurred to the project designs and that the following areas were included in the survey: high probability areas within the potential plant site (terraces and benches located between Sewell Creek and a ridge to the east); benches in the Plum Creek tract south of the property fence line; the steam/water pipeline corridor; and the 17-acre exchange property. Field methodology included pedestrian survey, excavation of systematic and judgmental shovel probes, and deep testing. The survey did not result in the identification of previously unknown archaeological resources. With the exception of the steam/water pipeline corridor between shovel probes 4 and 6, it is recommended that the proposed project will have no effect to archaeological sites that are eligible for or included in the National Register of Historic Places. We concur with that recommendation.

A portion of the steam/water pipeline corridor crosses an area with a high potential to contain archaeological resources. At the time of the survey, the pipeline corridor had not been finalized. Therefore it is recommended that the section of the proposed pipeline corridor between shovel probes 4 and 6 be further investigated with an intensive Phase I survey once the corridor has been determined. We concur with that recommendation. We ask to be notified should the project plans change further so that we can assess the potential for those changes to affect cultural resources.

We appreciate the opportunity to be of service. If you have questions regarding our comments or the Section 106 process, please contact Lora A Lamarre, Senior Archaeologist, or Ryan Burns, Historian, at (304) 558-0240.

Sincerely,

Susan M. Pierce

Susan M. Pierce
Deputy State Historic Preservation Officer

SMP/LAL/RCB

CC: Greenbrier County Historical Society

POTOMAC-HUDSON ENGINEERING, INC.
ENGINEERS ▪ SCIENTISTS ▪ PLANNERS

August 01, 2005

Greenbrier County Historical Society
301 West Washington Street
Lewisburg, WV 24901

RE: Environmental Impact Statement (EIS), Western Greenbrier Co-Gen, LLC, Co-Production Facility

To Whom It May Concern:

Potomac-Hudson Engineering, Inc. (PHE) is supporting the U.S. Department of Energy (DOE) in preparing an Environmental Impact Statement (EIS) for a Co-Production Facility that would be sited in Rainelle, Greenbrier County, West Virginia. The proposed facility would be constructed and operated by Western Greenbrier Co-Gen, LLC (WGC), with DOE providing financial support through a 5-year cooperative agreement with WGC under the DOE Clean Coal Power Initiative (CCPI) Program.

In compliance with Section 106 of the National Historic Preservation Act, and to support the preparation of the EIS, the following reports have been prepared:

(1) *Historic Resources Determination of Eligibility and Assessment of Effects West Greenbrier Co-Production Demonstration Project Greenbrier County West Virginia*
(2) *Phase I Archaeological and Geomorphological Investigations of the Proposed Western Greenbrier Co-Production Plant, Rainelle, Greenbrier County, West Virginia,*

The West Virginia State Historic Preservation Office (SHPO) has reviewed and commented on these reports and has requested that we directly solicit your comments. Therefore, we have enclosed a copy of each report for your review. It is anticipated that a Draft EIS will be distributed to the public sometime later this year, at which point a Public Meeting will be held in the Rainelle area. The Greenbrier County Historical Society will be included on the EIS mailing list and notified of any public meetings related to the EIS.

If you have any questions, please do not hesitate to call. We look forward to your input.

Sincerely,

Fred Carey, P.E.
Project Manager

Attachments:
-Historic assessment report: *Historic Resources Determination of Eligibility and Assessment of Effects West Greenbrier Co-Production Demonstration Project Greenbrier County West Virginia*
-Archeological assessment report: *Phase I Archaeological and Geomorphological Investigations of the Proposed Western Greenbrier Co-Production Plant, Rainelle, Greenbrier County, West Virginia*

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Appendix B

April 27, 2004

U.S. Fish and Wildlife Service
Route 250 South, Elkins Shopping Plaza
694 Beverly Pike
Elkins, WV 26241

RE: Environmental Impact Statement (EIS), Western Greenbrier Co-Gen, LLC, Co-Production Facility

Dear Sir or Madam:

Potomac-Hudson Engineering, Inc. (PHE) is supporting the U.S. Department of Energy (DOE) in preparing an Environmental Impact Statement (EIS) for a Co-Production Facility that would be sited in Rainelle, Greenbrier County, West Virginia. The proposed facility would be constructed and operated by Western Greenbrier Co-Gen, LLC (WGC), with DOE providing financial support through a 5-year cooperative agreement with WGC under the DOE Clean Coal Power Initiative (CCPI) Program. The facility would be designed for long-term commercial operation (at least 20 years) following completion of the cooperative agreement. DOE's support would amount to 50% (approximately $107.5 million) of the development cost for the proposed facility.

This letter is being submitted to your office to initiate the consultation process under Section 7 of the Endangered Species Act and to solicit your input on the project. To assist us in assessing any potential environmental impacts of this project, we are requesting a list of any existing or proposed federally protected and special status species for Greenbrier County, as well any site-specific information for the areas indicated on the enclosed maps. Primary local impacts to biological resources are expected to be related to site development and other land-disturbing activities from the project (see below for project description).

Proposed Co-Production Facility and Related Actions

WGC is proposing to design, construct, and operate an 85 MW ACFB power plant that would generate electricity and steam by burning approximately 1,800 tons per day (tpd) of waste coal as the primary fuel. The power plant would be located on a 26-acre site immediately to the south of Sewell Creek and the City limits of Rainelle. Material handling and other support facilities would be located on properties to the north of Sewell Creek adjacent to a currently undeveloped industrial park (the Eco Park). A coal-fired rotary kiln associated with the power plant would combine coal ash and limestone into a cement-like material for use with wood wastes to manufacture structural building blocks (Woodbrik™). Currently, it is anticipated that the Woodbrik™ manufacturing plant would be located on the north side of Sewell Creek adjacent to the Eco Park. The power plant would likely serve as the anchor for future tenants at the Eco Park by providing a source of steam and hot water supply for building heating and other industrial activities.

Waste coal would initially be obtained from waste coal piles located at Anjean (see attached figures). Excess combustion ash not needed for Woodbrik™ manufacture would be used to remediate acid drainage from the source waste coal piles. WGC is in the process of determining additional waste coal

pile sites for obtaining fuel source once the Anjean piles are depleted (currently estimated at 6 to 7 years). Generally, future waste coal pile sites that would be used would be within 20 to 30 miles of the power plant site. Both rail and truck are being considered as transportation options for the waste coal fuel, raw materials (e.g., limestone), and waste removal.

Additional components of the proposed project, as indicated on the enclosed maps, include the construction of power lines, the extension of a steam line to Georgia Pacific Lumber, and construction of reclaimed water supply line from the Rainelle sewage treatment plant. A combination of groundwater and reclaimed wastewater would be used for supplying water to the plant. It is anticipated that the steam and water lines will be constructed along existing railroad right-of-ways.

In addition, due to the nature of the proposed facility and associated air emissions with the operation, we are also considering the potential for regional-level impacts. Therefore, we are requesting information on protected and special status species and habitats for counties within a 30-mile radius of the proposed project site that may be sensitive to changes in atmospheric conditions. These counties include:

- Nicholas
- Fayette
- Summers
- Raleigh
- Monroe
- Webster, and
- Pocahontas

We are very interested in receiving your comments on the proposal and instructions for any further coordination. If you have any questions, please do not hesitate to call.

Sincerely,

Fred Carey, P.E.
Project Manager

Attachments:
General Location Map
Topographic Map of Proposed Power Plant Site
Aerial Photograph of Proposed Power Plant Site
Topographic Map of Anjean
Aerial Photograph of Anjean

United States Department of the Interior

FISH AND WILDLIFE SERVICE

West Virginia Field Office
694 Beverley Pike
Elkins, West Virginia 26241

July 8, 2004

Mr. Fred Carey, P.E.
Project Manager
Potomac-Hudson Engineering, Inc.
4833 Rugby Avenue, Suite 100
Bethesda, Maryland 20814

Re: Environmental Impact Statement, Western Greenbrier Co-Gen, LLC, Co-Production Facility, Greenbrier County, West Virginia

Dear Mr. Carey:

This responds to your information request of 27 April 2004 regarding the potential impacts of a proposed project on federally listed endangered and threatened species and species of concern. Western Greenbrier Co-Gen, LLC, proposes to design, construct and operate an 85 MW ACFB power plant, which will burn 1,800 tons per day of waste coal for the generation of electricity and steam. The selected area is a 26-acre site near the town of Rainelle, in Greenbrier County, West Virginia. The initial site for acquiring waste coal is near Anjean, West Virginia.

Potomac-Hudson Engineering has requested impacts from this project on any endangered or threatened species within a 30-mile radius from the site for the preparation of an Environmental Impact Statement (EIS). This distance is requested due to the possible changes in atmospheric conditions that may occur from this power plant. These comments are provided pursuant to the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) and the Fish and Wildlife Coordination Act (16 U.S.C. 661-667e).

Fish and Wildlife Surveys and Investigations

For the purposes of this report, impacts to federally listed endangered and threatened species have been separated into two different categories: *(1) Site Specific Impacts*, and *(2) 30-Mile Radius Impacts*. In addition, other impacts to fish and wildlife have been provided and are listed under the category: *(3) Other Impacts*.

(1) Site Specific Impacts:
Certain impacts can be attributed to the actual construction of the power plant and the associated features (rail-way, transmission lines, etc.). A check of our records indicate that only one federally listed species could occur in the project area, the endangered Indiana bat, Myotis sodalis.

The federally listed endangered Indiana bat may occur in the project area and could conceivably be adversely affected by the project proposal. The Indiana bat may use the project area for foraging and roosting between April 1 and November 15. Indiana bat summer foraging habitats are generally defined as riparian, bottomland, or upland forest, and old fields or pastures with scattered trees. Roosting/maternity habitat consists primarily of live or dead hardwood tree species, which have exfoliating bark that provides space for bats to roost between the bark and the bole of the tree. Tree cavities, crevices, splits, or hollow portions of tree boles and limbs also provide roost sites.

The U.S. Fish and Wildlife Service (Service) has determined the number of acres of suitable foraging and roosting habitat on the West Virginia landscape available to each Indiana bat, versus the total acreage of forest. On that basis, we have determined that small projects, outside of a five-mile radius of a hibernaculum and a two-mile radius of a capture site, affecting 17 acres or less of suitable forested habitat, will have a very small chance of resulting in direct or indirect take of the species, and therefore these effects are considered discountable.

If less than 17 acres of potential habitat for that species will be impacted, then no further consultation under the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) is required regarding the Indiana bat on a site-specific impact. Should project plans change, or if additional information on the Indiana bat becomes available, this determination may be reconsidered. If more than 17 acres of forested habitat will be impacted, further coordination with this office will be required for this site-specific concern.

(2) 30-mile radius impacts:
Several endangered and threatened species occur within the 30-mile radius from the proposed project site. They include the Indiana bat (Myotis sodalis), the Virginia big-eared bat (Corynorhinus townsendii virginianus), Virginia spiraea (Spiraea virginiana), the West Virginia Northern flying squirrel (Glaucomys sabrinus fuscus), small whorled pogonia (Isotria medeoloides), running buffalo clover (Trifolium stoloniferum), the northern riffleshell mussel (Epioblasma torulosa rangiana), the pink mucket pearly mussel (Lampsilis abrupta), and the fanshell mussel (Cyprogenia stegaria).

While the Service commends the energy community for providing lower emission power plants, federally protected species (as listed above) could be sensitive to even slight changes in atmospheric conditions. For example, the endangered West Virginia Northern flying squirrel is dependant upon a specific habitat type. Potential habitat for the West Virginia northern flying squirrel is defined as high elevation northern hardwood forest with a conifer component, usually of red spruce or hemlock. Other parameters indicative of potential habitat include abundant

large woody debris on the forest floor, cooler temperatures and higher humidity that promotes lichen growth and presence of moss, fern, liverwort or clubmoss groundcover. The cumulative effects from acid deposition may have a detrimental impact upon this type of habitat (especially those found in higher elevations and colder temperature regimes).

In addition, the three protected mussels species found within the 30-mile radius may show detrimental effects to changes in stream water pH and metal accumulation (aluminum, mercury, etc.) through contaminated rain and snowfall. Federally listed plants could also become indirectly impacted through acid deposition on soils, which may change the nutrient composition of the soils (calcium depletion, increasing sulfur and nitrogen, etc.).

Projected emissions were not included within your letter. Accurate emission figures, coupled with anticipated deposition rates, historical wind currents and rainfall amounts are necessary to determine environmental (and species specific) changes through atmospheric deposition (via modeling). Until this is complete, we cannot determine the long-range impact to listed species.

(3) *Other Impacts:*
Of particular concern are impacts to other fish and wildlife resources that stem from the storage and disposal of waste materials generated at coal burning plants. This waste material is generally composed of noncombustible materials (minerals) and can be either collected within the flue stacks (fly ash) or as heavier bottom ash. Your letter states that the Woodbrik manufacturing plant will use a portion of this ash (along with other materials) in the construction of bricks. Your letter goes on to state that excess ash will also be used to remediate acid mine drainage (AMD) from the source waste coal piles. The Service not only recognizes the problems in water quality associated with AMD, but also the potential for ash to release high levels toxic metals within the stream environment. The Service cannot recommend trading one environmental problem for another, potentially more serious one. Therefore the Service recommends a proper study of the composition of the ash to be used, as well as the expected dissolution of toxic metals within the downstream environment and all associated cumulative health risks to fish and wildlife. Alternate disposal areas should also be considered in order to minimize any potential risks to water quality.

Typically, power plants discharge water at permitted sites covered under the National Pollutant Discharge Elimination System (NPDES) permitting procedures. While your letter states that the power plant will provide hot water and steam for nearby businesses, it is not clear if all waste water will be processed in this manner or if some portion will be discharged into the environment. Discharged water may contain biocides and other additives used to control algae and bacteria within the power plant lines. This, as well as the extreme temperatures may be harmful to surface and groundwater quality. Possible discharge sites should be explored in order to provide for the least damaging alternative.

Conclusion

Overall, the purpose of this project remains unclear. There was no indication within your letter that the construction of this power plant would alleviate a power deficiency within West

Virginia. In fact, your letter does not mention any type of alternatives that have been considered prior to the preparation of an EIS or the implementation of the National Environmental Policy Act (NEPA) process. The NEPA process should assist with the procedures of choosing the appropriate alternative, instead of supporting the choice made prior to the NEPA implementation. With this in mind, alternate locations should be considered so that those who benefit from the electricity generated from this plant would also be responsible for the proper disposal and control of the inherent pollution.

If you have any questions regarding this letter, please contact Mr. Monte Matthews of my staff at (304) 636-6586, or at the letterhead address.

Sincerely,

Thomas R. Chapman
Field Supervisor

DIVISION OF NATURAL RESOURCES
Wildlife Resources Section
Operations Center
P.O. Box 67
Elkins, West Virginia 26241-3235
Telephone (304) 637-0245
Fax (304) 637-0250

Bob Wise
Governor

Ed Hamrick
Director

May 25, 2004

Mr. Fred Carey
Potomac-Hudson Engineering, Inc.
4833 Rugby Avenue, Suite 100
Bethesda, MD 20814

Dear Mr. Carey:

We have reviewed our files for information on rare, threatened, and endangered (RTE) species in the area the proposed Western Greenbrier Co-Gen, LLC Co-Production Facility in Rainelle, Greenbrier County, West Virginia. There are no known occurrences of RTE species at the Rainelle site, nor do we have any known occurrences at the Anjean waste coal piles.

Enclosed is a compact disc containing a list of RTE species currently known from Greenbrier County (GreenbrierCounty.doc), RTE species within a 30-mile radius of Rainelle (RainelleData.xls), and an explanation of our ranking system denoting species rarity (Rankexpl.doc). The table below lists federally protected species within the boundaries of your project description:

Name	Status*	Comments
Greenbrier County		
Shale barren rockcress (*Arabis serotina*)	LE	Restricted to shale barrens of Greenbrier, Hardy, and Pendleton counties.
Northern flying squirrel (*Glaucomys sabrinus fuscus*)	LE	Restricted to the higher elevations of the mountain counties (Greenbrier, Pendleton, Pocahontas, Randolph, Tucker, Webster); in areas with red spruce or a conifer component.
Small-whorled pogonia (*Pogonia medeoloides*)	LT	Currently known from only Greenbrier County; does not appear restricted to a specific habitat.
Indiana bat (*Myotis sodalis*)	LE	Hibernates in caves in Greenbrier, Hardy, Mercer, Monroe, Pendleton, Pocahontas, Preston, Randolph, and Tucker counties; documented as utilizing mine portals in Fayette and Raleigh counties as summer roosts; also utilizes trees as roosts; suspected maternity site in Boone County in 2003.
Virginia spiraea (*Spiraea virginiana*)	LT	A riparian shrub known to occur along the Bluestone, Greenbrier, Gauley, and Meadow rivers; additional non-riparian sites in Raleigh County.
30-MILE RADIUS OF RAINELLE		
Shale barren rockcress (*Arabis serotina*)	LE	See comments above.
Virginia big-eared bat (*Corynorhinus townsendii virginianus*)	LE	Utilizes caves as hibernacula and maternity colonies in Grant, Hardy, Pendleton, Preston, Randolph, and Tucker counties; utilizes mine portals as summer and fall roosts
Fanshell mussel (*Cyprogenia stegaria*)	LE	Known from the Kanawha River in Fayette County and the Ohio River in Wood and Jackson counties.
Northern riffleshell (*Epioblasma torulosa rangiana*)	LE	Known from the only the Kanawha River in Fayette and Kanawha counties.
Northern flying squirrel (*Glaucomys sabrinus fuscus*)	LE	See comments above.
Small-whorled pogonia (*Pogonia medeoloides*)	LT	See comments above.
Pink mucket pearly mussel	LE	Known from the Kanawha River in Fayette and Kanawha counties, and the Ohio River in Cabell, Mason, and Wood counties.
Indiana bat (*Myotis sodalis*)	LE	See comments above.
Virginia spiraea (*Spiraea virginiana*)	LE	See comments above.
Running buffalo clover (*Trifolium stoloniferum*)	LE	Found in disturbed areas in old jeep trails, logging roads, skid rows, etc. in Barbour, Brooke, Fayette, Pendleton, Pocahontas, and Randolph counties; historically known from Preston and Webster counties.

*LE = endangered; LT = threatened

Appendix B

This response is based on information currently available and should not be considered a comprehensive survey of the areas under review. We hope you find this information helpful in your planning process.

Enclosed please find an invoice.

Thank you for contacting us and please call if you should have any questions.

Sincerely,

Barbara Sargent
Environmental Resources Specialist
Wildlife Diversity Program

enclosures

Appendix B

WEST VIRGINIA
Tribal Points of Contact
Huntington District

1) Absentee-Shawnee Tribe of Indians of Oklahoma
2025 S. Gordon Cooper Drive
Shawnee, Oklahoma 74801-9381
Governor: Mr. Kenneth Blanchard
NAGPRA contact: Ms. Jennifer Makaseah, Director, Cultural/Historic Preservation
405-275-4030

2) Cherokee Nation
P.O. Box 948
Tahlequah, Oklahoma 74465
Principal Chief: Mr. Chad Smith
NAGPRA contact: Dr. Richard Allen
918-456-0671

3) Delaware Nation HAS RESPONDED
P.O. Box 825
Anadarko, Oklahoma 73005
President: Mr. Bruce Gonzales
NAGPRPA contact: Ms. Phyllis Wahahrockah-Tasi
405-247-2448

4) Delaware Tribe of Indians HAS RESPONDED
220 NW Virginia Ave.
Bartlesville, Oklahoma 74003
Chief: Mr. Larry Joe Brooks
NAGPRA contact: Mr. Brice Obermeyer
918-336-5272

5) Eastern Band of Cherokee Indians of North Carolina
P.O. Box 455
Cherokee, North Carolina 28719
Principal Chief: Ms. Michelle Hicks
NAGPRA contact: Ms. Clara Holt, NAGPRA Officer
THPO/Section 106 contact: Mr. Russell Townsend
828-497-2771

6) Eastern Shawnee Tribe of Oklahoma HAS RESPONDED
P.O. Box 350
Seneca, Missouri 64865
Chief: Mr. Charles Enyart
918-666-2435

7) Shawnee Tribe
P.O. Box 189
Miami, Oklahoma 74355
Chairman: Mr. Ron Sparkman
NAGPRA contact: Ms. Rebecca Hawkins, Tribal Administrator
918-542-2441

8) United Keetoowah Band of Cherokee Indians in Oklahoma
P.O. Box 746
Tahlequah, Oklahoma 74465
Chief: Dallas Proctor
NAGPRA contact: Mr. Stephen Mouse, Assistant Chief, 2450 S. Muskcoggee Ave., Tahlequah, OK 74465
918-431-1818

9) Tuscarora Nation
Chief: Mr. Leo R. Henry
2006 Mt. Hope Rd
via Lewiston, NY 14092
716-622-7061

10) NAGPRA/106 contact: Mr. Richard Hill (Chairperson on Standing Committee on Burial Rules and Regulations)
2235 Mt. Hope Rd
via Sanborn, NY 14123

Appendix B

U.S. Department of Energy

National Energy Technology Laboratory

SAMPLE LETTER

July 28, 2004

Jennifer Makaseah, Director, Cultural/Historic Preservation
Absentee-Shawnee Tribe of Indians of Oklahoma
2025 S. Gordon Cooper Drive
Shawnee, Oklahoma 74801-9381

Re: Executive Memo (4/29/1994): "Gov't to Gov't Relations", and
Executive Order 13084: Consultation and Coordination with Indian Tribal Gov't,
Section 106 and NAGPRA Consultation for the
Environmental Impact Statement (EIS), Western Greenbrier Co-Gen, LLC, Co-Production Facility,
Rainelle, West Virginia

Dear Ms. Makaseah,

The U.S. Department of Energy (DOE) is preparing an Environmental Impact Statement (EIS) for a Co-Production Facility that would be sited in Rainelle, Greenbrier County, West Virginia. The proposed facility would be constructed and operated by Western Greenbrier Co-Gen, LLC (WGC), with DOE providing financial support through a 5-year cooperative agreement with WGC under the DOE Clean Coal Power Initiative (CCPI) Program. The facility would be designed for long-term commercial operation (at least 20 years) following completion of the cooperative agreement. DOE's support would amount to 50% of the development cost for the proposed facility.

In accordance with the referenced Executive Orders and Acts, the DOE would like to solicit your input on the project in order to determine if your tribe has any concerns or issues about the project. In particular, we are interested in learning whether or not this project has the potential to impact any archeological, religious or cultural sites in the area that are considered significant to your tribe. The DOE is requesting that you (or your designated representative) identify and/or notify my office of any concerns or issues you may have, or if you are aware of any significant archeological, religious, or cultural sites within the areas of potential impact.

To assist in your review, I have enclosed maps that illustrate the areas where construction impacts are likely to occur. Impacts to archeological resources (if present) are expected to be related to site development and other land-disturbing activities from the project. In addition, the potential for impacts related to visual or atmospheric resources associated with potential air emissions are being considered. The following discussion provides a more detailed description of the project.

Proposed Co-Production Facility and Related Actions

WGC is proposing to design, construct, and operate an 85 MW atmospheric circulating fluidized bed power plant that would generate electricity and steam by burning approximately 1,800 tons per day (tpd) of waste coal as the primary fuel. The power plant would be located on a 26-acre site immediately to the south of Sewell Creek and the City limits of Rainelle. Material handling and other support facilities would be located on properties to the north of Sewell Creek adjacent to a currently undeveloped industrial park (the Eco Park). A coal-fired rotary kiln associated with the

3610 Collins Ferry Road, P.O. Box 880, Morgantown, WV 26507-0880 ❑ 626 Cochrans Mill Road, P.O. Box 10940, Pittsburgh, PA 15236-0940
REPLY TO: Morgantown Office • @netl.doe.gov • Voice (304) 285-4426 • Fax (304) 285-4403 • www.netl.doe.gov

SAMPLE LETTER

power plant would combine coal ash and limestone into a cement-like material for use with wood wastes to manufacture structural building blocks (Woodbrik™). Currently, it is anticipated that the Woodbrik™ manufacturing plant would be located on the north side of Sewell Creek adjacent to the Eco Park. The power plant would likely serve as the anchor for future tenants at the Eco Park by providing a source of steam and hot water supply for building heating and other industrial activities.

Waste coal would initially be obtained from waste coal piles located at Anjean (see attached figures). Excess combustion ash not needed for Woodbrik™ manufacture would be used to remediate acid drainage from the source waste coal piles. WGC is in the process of determining additional waste coal pile sites for obtaining fuel source once the Anjean piles are depleted (currently estimated at 6 to 7 years). Generally, future waste coal pile sites that would be used would be within 20 to 30 miles of the power plant site. Both rail and truck are being considered as transportation options for the waste coal fuel, raw materials (e.g., limestone), and waste removal.

Additional components of the proposed project, as indicated on the enclosed maps, include the construction of power lines, the extension of a steam line to Georgia Pacific Lumber, and construction of reclaimed water supply line from the Rainelle sewage treatment plant. A combination of groundwater and reclaimed wastewater would be used for supplying water to the plant. It is anticipated that the steam and water lines will be constructed along the banks of Sewell Creek.

We are very interested in receiving your comments or other input you have concerning possible effects of the project on archeological, religious, or cultural sites that are considered significant to your tribe. If you have any questions, please do not hesitate to call.

In addition, please sign the signature line below and return a signed copy to my attention if you (or your designated representative) want to continue to receive information about the project, or if you wish to provide review comments on the Section 106 or NEPA documents.

Sincerely,

Mark L. McKoy
NEPA Document Manager
U.S. DOE

Attachments: General Location Map
Topographic Map of Proposed Power Plant Site
Aerial Photograph of Proposed Power Plant Site
Topographic Map of Anjean
Aerial Photograph of Anjean

RESPONSE REQUESTED:

__ Yes, we wish to continue to receive information and participate in the consultation process.

__ No we do not wish to continue to receive information or participate in the consultation process.

By: _____

Title: _____

Date: _____

Appendix B

EASTERN SHAWNEE TRIBE
OF OKLAHOMA

P.O. Box 350 · Seneca, MO 64865 · (918) 666-2435 · FAX (918) 666-2186

August 13, 2004

NETL
ATTN: Mark L. McCoy
3610 Collins Ferry Road
P.O. Box 880
Morgantown, WV 26507-0880

Re: Western Greenbrier Co-Gen, LLC,
Co-Production Facility
Rainelle, West Virginia

To Whom It May Concern:

Thank you for notice of the referenced project(s). The Eastern Shawnee Tribe of Oklahoma is currently unaware of any documentation directly linking Indian Religious Sites to the proposed construction. In the event any items falling under the Native American Graves Protection and Repatriation Act (NAGPRA) are discovered during construction, the Eastern Shawnee Tribe request notification and further consultation.

The Eastern Shawnee Tribe has no objection to the proposed construction. However, if any human skeletal remains and/or any objects falling under NAGPRA are uncovered during construction, the construction should stop immediately, and the appropriate persons, including state and tribal NAGPRA representatives contacted.

Sincerely,

Jo Ann Beckham

Jo Ann Beckham
Administrative Assistant

Charles Enyart, Chief
Eastern Shawnee Tribe of Oklahoma

DELAWARE TRIBE OF INDIANS

220 N.W. VIRGINIA • BARTLESVILLE, OKLAHOMA 74003
TELEPHONE: (918) 336-5272 • FAX: (918) 336-5513

August 05, 2004

U.S. Department of Energy
ATTN: Mark McKoy
3610 Collins Ferry Road
P.O. Box 880
Morgantown, WV 26507-0880

Re: Executive Memo (4/29/1994): "Gov't to Gov't Relations", and Executive Order 13084: Consultation and Coordination with Indian Tribal Gov't, Section 106 and NAGPRA Consultation for the Environmental Impact Statement (EIS), Western Greenbrier Co-Gen, LLC, Co-Production Facility, Rainelle, West Virginia

Dear, Mr. McKoy:

Our review indicates that this project is located in an area that was not inhabited by the Delaware Tribe. As such, there is little potential for impacting unknown archaeological sites culturally affiliated with the Delaware Tribe and we have no particular objection to the proposal.

If you have any questions, feel free to contact this office by phone at (918) 336-5272.

Sincerely,

Brice Obermeyer

Brice Obermeyer Ph.D.
NAGPRA Director
Delaware Tribe of Indians

Delaware Nation NAGPRA Office

P.O. Box 825, Anadarko, OK 73005
Phone: (405) 247-2448
Fax: (405) 247-9898

30 August 2004

ATTN: Mark L. McKoy
NEPA Document Manager
U.S. Department of Energy
National Energy Technology Laboratory
3610 Collins Ferry Road
P.O. Box 880
Morgantown, WV 26507-0880

RE: Environmental Impact Statement (EIS), Western Greenbrier Co-Gen, LLC, Co-Production Facility, Rainelle, West Virginia

Dear Mr. McKoy:

Thank you for contacting the Delaware Nation regarding the above referenced project. The Delaware Nation is committed to protecting archaeological sites that are important to tribal heritage, culture, and religion. Furthermore, the tribe is particularly concerned with archaeological sites that may contain human burial remains and associated funerary objects.

As described in your correspondence, the proposed ground disturbing activity of this project does not appear to endanger archaeological sites of interest to the Delaware Nation. Therefore, the Delaware Nation will defer to your State Archaeologist and your state's Office of Historical Preservation regarding the need for archaeological surveys or further investigation. Should either of these agencies recommend an archaeological survey of the proposed construction site, we ask that the Delaware Nation be informed of the results of the survey, including copies of site forms and reports. Also, any changes to the above referenced project should be resubmitted to the NAGPRA Director of the Delaware Nation for review.

Should this project inadvertently uncover an archaeological site, even after an archaeological survey, we request that you immediately contact he appropriate state agencies, as well as the Delaware nation. Also, we ask that you halt all construction and ground disturbing activities until the tribe and these state agencies are consulted.

We appreciate your cooperation in contacting the Delaware Nation. Should you have any questions, feel free to contact me.

Sincerely,

Tamara Francis
NAGPRA/Cultural Preservation Director

Appendix B

WEST VIRGINIA
DIVISION OF
CULTURE & HISTORY

The Cultural Center
1900 Kanawha Blvd., E.
Charleston, WV
25305-0300

Phone 304.558.0220
Fax 304.558.2779
TDD 304.558.3562
www.wvculture.org
EEO/AA Employer

December 18, 2006

Mr. Roy Spears
NEPA Document Manager
Department of Energy
National Energy Technology Laboratory
PO Box 880
MS NO3
Morgantown, WV 26507

RE: Western Greenbrier County Production Project
FR#: 04-705-GB-4

Dear Mr. Spears:

We have reviewed the *Western Greenbrier Co-Production Demonstration Project Draft Environmental Impact Statement: November 2006* (DEIS) submitted for the above referenced project to determine its effects to cultural resources. As required by Section 106 of the National Historic Preservation Act, as amended, and its implementing regulations, 36 CFR 800: "Protection of Historic Properties," we submit our comments.

Architectural Resources:
In our letter dated December 23, 2005, we stated that the transmission line will have no effect to cultural resources. We are still of that opinion. There are no National Register of Historic Places listed resources in the project area and, according to your report, any resources potentially eligible are far enough away to not be impacted by the project.

The DEIS says that the town of Rainelle would be eligible for the National Register of Historic Places. We concur with that determination. Regarding the Western Greenbrier County Production Plant, in our previous letter we emphasized the importance of securing comment from the public including the Greenbrier County Historical Society. It is our understanding that these comments will be solicited in conjunction with the Draft EIS publication and associated public meetings. In addition, we requested that we be given at least 2-weeks prior notice to these meetings. We will complete our review regarding effects once we have received public comments, including comments from the Greenbrier County Historical Society. We look forward to working further with your office on this project.

Archaeological Resources:
In general, the DEIS accurately summarizes archaeological survey work

conducted to date for the proposed co-production demonstration project. However, the discussion of archaeological survey methodology for co-production plant site failed to mention that, because the steam/pipeline corridor plans had not been finalized, a portion of that corridor was not subjected to archaeological survey. As indicated in our July 5, 2005 letter, this portion of the corridor crosses an area with a high potential to contain archaeological deposits. We await the survey results for this portion of the proposed project area. With respect to the transmission line corridor, we look forward to reviewing the results of archaeological survey conducted on the areas identified as PR 1-2, PR 12-13. PR 83-84, PR 92-95, PR 98-99, PR 112-114, and PR 132-134.

We appreciate the opportunity to be of service. *If you have questions regarding our comments or the Section 106 process, please contact Shirley Stewart Burns, Historian, or Carolyn Kender, Archaeologist, at (304) 558-0240.*

Sincerely,

Randall Reid-Smith
RRS/SSB/CMK

CC: Greenbrier County Historical Society
301 West Washington Street
Lewisburg, WV 24901

United States Department of the Interior

FISH AND WILDLIFE SERVICE

West Virginia Field Office
694 Beverly Pike
Elkins, West Virginia 26241

January 10, 2007

Mr. Roy G. Spears
U.S. Department of Energy
National Energy Technology Laboratory
Post Office Box 880
MS NO3
Morgantown, West Virginia 26507

Re: Draft Environmental Impact Statement for the Western Greenbrier Co-Production Demonstration Project (DOE/EIS-0361), Greenbrier County, West Virginia

Dear Mr. Spears:

The U.S. Fish and Wildlife Service (Service) has reviewed the draft Environmental Impact Statement (DEIS), dated November 2006, regarding the proposed cost-shared funding to Western Greenbrier Co-Generation, LLC, through a cooperative agreement under the Clean Coal Power Initiative to design, construct, and operate a new plant to demonstrate the first commercial application of a new design in the United States that incorporates a novel approach to converting waste ash into cement and integrating power generation with remediation of coal refuse piles. The demonstration project is located in Greenbrier County, West Virginia.

The Service has no comment on the proposed cost-shared funding or the demonstration plant design. The Service appreciates the opportunity to review the DEIS.

If you have any questions regarding this letter, please contact Ms. Christy Johnson-Hughes of my staff, at (304) 636-6586 ex 17, or at the letterhead address.

Sincerely,

Thomas R. Chapman
Field Supervisor

Appendix B

NORTH·HOUSE MUSEUM

February 5, 2007

Western Greenbrier Co-Generation Plant
Attn: Brian Neely
P.O. Box 766
Rainelle, West Virginia 25962

Dear Mr. Neely:

On behalf of the Greenbrier Historical Society I would like to inform you that we have no comment concerning the Western Greenbrier Co-Generation Plant. If you have any other questions or concerns please feel free to contact me.

Sincerely,

Tammy

Tammy Shifflett
Executive Director
North House Museum and
Greenbrier Historical Society

Greenbrier Historical Society 301 W. Washington St. Lewisburg, WV 24901
Telephone: (304) 645-3398 Fax: (304) 645-5201

Appendix B

WEST VIRGINIA
DIVISION OF
CULTURE & HISTORY
The Cultural Center
1900 Kanawha Blvd., E.
Charleston, WV
25305-0300
Phone 304.558.0220
Fax 304.558.2779
TDD 304.558.3562
www.wvculture.org
EEO/AA Employer

February 6, 2007

Mr. Roy Spears
U.S. Department of Energy
3610 Collins Ferry Road
P.O. Box 880
Morgantown, WV 26507

Re: Phase I Archaeological Survey of the Proposed Transmission Line Corridor for the Western Greenbrier's Co-Production Plant Demo Project (DOE/EIS-0361)
FR#: 04-705-GB 6

Dear Mr. Spears:

We have reviewed the technical report titled, *Phase I Archeological Survey of the Proposed Transmission Line Corridor Wester Greenbrier Co-Production Project Greenbrier & Nicholas Counties, West Virginia*, that was submitted for the above referenced project. As required by Section 106 of the National Historic Preservation Act of 1966, as amended, and its implementing regulations, 36 CFR 800: "Protection of Historic and Cultural Properties," we submit our comments.

Architectural Resources:
It is our understanding that there is one bridge within the project area. This bridge, a Steel and Stringer bridge, is not eligible for inclusion in the National Register of Historic Places. This determination is based upon evaluation of the structure according to the Criteria of Significance and current state inventory information. However, we cannot complete our review until we receive further information regarding public comments. Please keep in mind if the project is re-routed due to archaeological site, we will need to again review for architectural resources. We will complete our review upon receipt of public comment information.

Archaeological Resources:
The report satisfactorily addresses our concerns regarding the presence of cultural resources within the proposed transmission line corridor for the Western Greenbrier Co-Production Project. Systematic archaeological survey within the project area located one previously unrecorded archaeological site, 46Ni655 (Hominy Mill), an early twentieth century logging community, In addition, one isolated prehistoric find was found on the ground surface in a disturbed context, and a modern electrical feature was identified. The consultant recommends that neither the isolated prehistoric find nor the electrical feature are eligible for inclusion in the National Register of Historic Places. We concur with these recommendations. No further archaeological investigation is necessary for the transmission line corridor except for the section in which site 46Ni655 is located.

According to project mapping, the proposed transmission line corridor bisects the eastern end of the former Hominy Mill community (46Ni655). Investigation of 46Ni655 identified a number of features within the transmission line corridor including, a stone-lined well shaft, four stone piers, an abandoned narrow gauge railroad bed, and a possible root-cellar or small foundation. Historic artifacts recovered from the site include ceramics, window glass, bottle and container glass, table glass, wire nails, shoe parts, a double-bladed hand-forged axe head, brick, a shotgun shell, and miscellaneous metal fragments.

February 6, 2007
Mr. Spears
FR#: 04-705-GB-6
Page 2

The presence of cultural features and a diverse array of artifacts indicates the site is likely to provide significant information about the history of Hominy Mill and add to our understanding of the logging industry in West Virginia. As a result, the consultant recommends that 46Ni655 be considered eligible for inclusion in the National Register of Historic Places under Criterion D. We concur with this recommendation. Because the project's proposed ground disturbing activities will have an adverse impact on this resource, the consultant recommends that 46Ni655 be avoided by the proposed construction activities. We concur with this recommendation. If site 46Ni655 will be avoided by rerouting the proposed transmission line, we request that the new alignment undergo a Phase I archaeological survey and that the results of the survey be submitted to this office for review. If avoidance of the site is not possible, then the adverse effect will need to be mitigated via data recovery excavations. If this is the case, please notify the Advisory Council on Historic Preservation about the adverse effect and draft a Memorandum of Agreement and data recovery plan for 46Ni655 for our review.

We appreciate the opportunity to be of service. *If you have questions regarding our comments or the Section 106 process, please contact Shirley Stewart Burns, Historian, or Lora A. Lamarre, Senior Archaeologist, at (304) 558-0240.*

Sincerely,

Susan M. Pierce

Susan M. Pierce
Deputy State Historic Preservation Officer

SMP/SSB/LAL/CMK

CC: Mr. J. Sanderson Stevens - John Milner Associates, Inc.

United States Department of the Interior

FISH AND WILDLIFE SERVICE

West Virginia Field Office
694 Beverly Pike
Elkins, West Virginia 26241

FILE COPY

June 19, 2007

Mr. Brian Neely
Western Greenbrier Co-Generation, LLC
Post Office Box 766
Rainelle, West Virginia 25962

Re: Survey for Federally-listed Species within the Vicinity of the Proposed Western Greenbrier Co-Generation Facility, Greenbrier County, West Virginia

Dear Mr. Neely:

The U.S. Fish and Wildlife Service (Service) has reviewed the report titled, "Habitat Assessments and Surveys for Endangered Mammals at Proposed Development Areas for Western Greenbrier Co-Gen, Greenbrier County, West Virginia", dated March 7, 2005, by Environmental Solutions & Innovations, Inc. The report included surveys and habitat assessments for the federally-listed endangered Indiana bat (*Myotis sodalis*), Virginia big-eared bat (*Corynorhinus townsendii virginianus*), and West Virginia northern flying squirrel (*Glaucomys sabrinus fuscus*). These comments are provided pursuant to the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U. S. C. 1531 *et seq.*) (ESA).

We reviewed the report on the bat and squirrel surveys conducted in the proposed project area. The bat survey followed the protocol outlined in the Draft Indiana Bat Recovery Plan. The survey covered 28 acres of bat habitat and was conducted at 2 net sites from July 13 to July 16, 2004. No federally-listed bats were captured. Mist net surveys are considered current for 5 years: the summer they are completed and the following two summer seasons. In this case they will expire **May 15, 2008**. If timber will be removed after **May 15, 2008**, new surveys may be necessary and the Service should be contacted.

A habitat assessment was also performed to determine whether potential habitat for the West Virginia northern flying squirrel (WVNFS) was present in the project area. The project area is located below elevations typically used by the WVNFS and consisted of hardwoods which are not preferred habitat. The only potential habitat for the WVNFS was found along portions of the transmission line corridor. Again, the habitat occurred at elevations below those typically used by the WVNFS. Based on the poor to moderate quality of the habitat in the project area, and location of the transmission lines and co-generation facility below elevations typically used by the WVNFS, it is not likely that the WVNFS will be affected by the proposed project.

No Federally-listed threatened and endangered species were found during the survey. Therefore, no further consultation under section 7 of the ESA is required. Should project plans change, or if additional information on listed and proposed species becomes available, this determination may be reconsidered.

If you have any questions regarding this letter, please contact Ms. Christy Johnson-Hughes of my staff, at (304) 636-6586 ex 17, or at the letterhead address.

Sincerely,

Thomas R. Chapman
Field Supervisor

Appendix B

cc:
USACE – Mullins
EPA – Rider
WVDNR - Taylor
Project File
Reader File
ES:WVFO:CJohnson-Hughes:skd:6/19/2007
Filename: U:\Finalized Correspondence\NEPA\Western Greenbrier Co-Gen Bat Survey - Final.doc

Appendix B

United States Department of the Interior

REPLY REFER TO:

NATIONAL PARK SERVICE
New River Gorge National River
Gauley National Recreation Area
Bluestone National Scenic River
104 Main Street
P.O. Box 246
Glen Jean, West Virginia 25846

January 17, 2007

L7619

Roy Spears, Document Manager
U.S. Department of Energy
National Energy Technology Laboratory
3610 Collins Ferry Road
P. O. Box 880
Morgantown, WV 26507-0880

Dear Mr. Spears,

The National Park Service appreciates the opportunity to review and comment on the Western Greenbrier Co-Production Demonstration Project, Draft Environmental Impact Statement (DOE/EIS-0361). We have several major concerns about the Draft EIS. These include the presentation of alternatives, the inclusion of potential project derivatives that are not analyzed, and the relatively shallow depth of analysis for several key areas of concern as they affect resources and values of concern to the National Park Service. Examples of these concerns are presented below.

Section 2.6 presents alternatives for both Department of Energy (DOE) and the Western Greenbrier Co-Generation LLC (WGC). The alternatives for DOE are to either fund or not fund the project. The alternatives for WGC are not set forth as a set of discrete alternatives, but a list of options for several components of the overall project. Each of these components has an option that is identified as the preferred option (except fuel supply, which notes that all four potential coal refuse piles are acceptable), but there is no summary of the overall proposed action that includes all of the preferred options for each component. Thus there is no real presentation of a single preferred alternative.

The Draft EIS notes a potential third party ash byproduct facility. The potential impacts of such a facility are not analyzed in section 4.16 (Potential Secondary and Cumulative Impacts). Since such a facility would be directly related to the proposed project, it is imperative that it be analyzed.

Water draining from the proposed project area eventually drains into the Meadow River, the lower reaches of which are in Gauley River National Recreation Area (GRNRA). The National Park Service is especially concerned about the paucity of data on water and aquatic biological resources for the proposed project area, the minimal analysis of these data, and the lack of analysis regarding the potential impacts of the proposed project to these resources in GRNRA.

For example, water quality and aquatic biological information presented in the Draft EIS is based on only one sample from each of three or four sites. Such sampling is inadequate to describe the extent and range of water quality and aquatic ecological conditions and dynamics for these streams.

The Draft EIS also notes that the preferred option for primary water supply is treated effluent from the Rainelle Sewage Treatment Plant (RTSP). There is no evaluation of the performance of the RTSP in terms of the number, frequency and magnitude of bypasses during high runoff events, the density of fecal coliform bacteria in effluent, and how such events might affect operation of the proposed project, and whether operation of the proposed project will affect the later discharge of this water into the Meadow River.

The Draft EIS further notes that the preferred option for secondary water supply is the Meadow River. The Draft EIS presents flow data from the Meadow River based only on the three years of record (1979-1982) for a U. S. Geological Survey (USGS) stream gage that is no longer in service (Meadow River at McRoss, 03189890). This information is not substantial enough on which to base water supply availability for the proposed project. Comparison of the McRoss gage data with that of the still active USGS Meadow River near Mount Lookout gage (03190400, period of record September 1966 – September 1983, October 1985 to present) indicates that 1979 was a very high water year. Further, during 24 months since 1985 the average monthly flow at the Mount Lookout gage has been lower than the lowest flow ever recorded at the McRoss gage. The National Park Service is extremely concerned that removal of a significant portion of the flow from the Meadow River during the critical low-flow months may have significant impacts to water quality, aquatic biological resources, and recreational opportunities downstream in Gauley River National Recreation Area.

The Draft EIS seems to indicate that water discharged from the proposed project will be discharged into Sewell Creek, although this is ambiguous. Increased discharge of Sewell Creek has the potential to increase bank and channel erosion and increase silt delivery and sedimentation in the Meadow and Gauley Rivers. Increased sedimentation is well known to have significant negative impacts on stream ecosystems, and the National Park Service is concerned about the potential adverse impacts of such sedimentation on the Meadow and Gauley Rivers within our jurisdiction. Such potential impacts are not analyzed in the Draft EIS.

Another issue of concern to the National Park Service is inadequate citation of information from outside sources. For example, the Draft EIS uses the computer program HEC-RAS for floodplain evaluation, but while the citation for this (Haestad Methods 2003) is provided, it is not provided in a location that associates it with use of the method. These oversights make it difficult for the reader to understand, evaluate, and adequately comment on the Draft EIS.

Appendix B

In summary, it is our opinion that the Draft EIS is inadequate. We request that DOE address the concerns noted above in a revised Draft EIS. Only upon review of a Revised Draft EIS can we accurately evaluate the proposed action, and the potential impacts that it might have on resources and values of concern to the National Park Service. If you have any questions concerning our comments, please contact Jesse Purvis of my staff at (304) 465-6513 or jesse_purvis@nps.gov.

Sincerely,

Calvin F. Hite

Calvin F. Hite
Superintendent

Appendix B

U.S. Department of Energy

National Energy Technology Laboratory

April 5, 2007

Dr. Jesse Purvis
National Park Service
104 Main Street
P.O. Box 246
Glen Jean, West Virginia 25846

Dear Dr. Purvis:

Thank you for the meeting on March 19, 2007, at your Glen Jean office to discuss your concerns regarding the proposed Western Greenbrier Co-Production Demonstration Project Draft Environmental Impact Statement (EIS). The National Park Service (NPS) was represented by Deborah Darden, Ken Stephens, Mike Hunter, and Jesse Purvis, while the Department of Energy was represented by Wolfe Huber and Roy Spears, with Fred Carey and Cynthia Ong of Potomac Hudson Engineers participating via conference call. Primary areas of concern and points of discussion for the meeting included potential impacts to water flow in the Meadow River, water quality and aquatic ecological conditions, air quality, sedimentation loading in the Meadow River due to runoff from the proposed plant site, use of all proposed water sources for the power plant, coal prep plant information, and ash byproduct usage.

It is my understanding that according to Mr. Stephens and you, all areas of concern were satisfactorily addressed during the meeting discussions. The request for a revised Draft EIS is withdrawn and you have no objection to our preparation of the revised Final EIS. Additionally, the NPS's initial request to participate as a cooperating agency for preparation of the EIS is withdrawn. If this letter accurately represents your understanding of our meeting conclusions, please respond in writing so we may include your letter in the administrative record.

Should questions or comments arise, please contact me at the numbers listed below.

Sincerely,

Roy G. Spears
NEPA Document Manager

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