Document	Commentor	Comment Code	Comment	Addressed in Body of Report	Applicant Response	
DLA	SCDNR	DLA DNR B-01	Section 4.0 discusses the assessment and evaluation of future development at the Project. The SCDNR has noted that due to high debris loads and high inflows, the frequency of the Applicant's need to reset the Project's spillway flashboards can occur multiple times a year. The DLA states that resetting the Project's flashboards may take three to five days or more, depending on the amount of debris on the spillway and damage to the flashboards. The SCDNR and other resource agencies are consulted during these events due to the need of the Project to draw the reservoir down to the lower limit of the Project's operating range. Normal project operations cannot resume until the flashboards have been reset. The SCDNR notes that advancements in the technology of pneumatically actuated gates could benefit the Project by alleviating the need to reset the flashboards, thus allowing the Project to resume normal operations following large flow events. Further, the installation of a partial crest gate on the South Carolina side of the Savannah River could provide relief to the Stevens Creek arm by allowing high pulsing flows from the J. Strom Thurmond (JST) dam to travel downstream over the spillway instead of upstream in Stevens Creek.	No. Please see Applicant response.	Replacement of the existing flashboard system with an automated system has been a subject of ongoing review by the licensee and was analyzed by FERC in the Environmental Assessment issued on November 7, 1995. SCE&G, predecessor to DESC, conducted an engineering and economic evaluation of alternatives for replacing a portion of the flashboards with an automatically operated system (SWEC, 1992). As noted within that analysis, the installation of an inflatable rubber dam could reduce the number of days of flashboard re-setting from 40 to 1 or 2 days per water year. During the time of the analysis, the cost of replacement flashboards with inflatable rubber dams cost from 1 to 1.8 million and would not be offset by increases in power generation. Operational flows from USACE have remained relatively consistent since the time of this analysis. Costs for installation of an automated systems have increased significantly since the 1992 analysis. Although power values have also increased, the 1992 results continue to be relevant and pertinent to this discussion. Moreover, although additional time is assumed for flashboard resetting by the operators, potentially up to a week or more depending on flows and debris loads in the Savannah River, flashboards are generally re-set in one or two days. DESC continues to propose that existing flashboards be retained at the Project. Additionally, water quality within Stevens Creek proper are being reviewed with the Water Quality TWC through the Water Quality AMP.	
DLA	SCDNR	DLA DNR E-01	Section 3.2.1.2 discusses the DLA's proposed water quality preventative, mitigative, and enhancement (PM&E) measures. The section states that the Stevens Creek arm experiences episodic low dissolved oxygen (DO) events. However, the data presented in the results of the water quality study show that DO levels remained below 4.0 mg/L for weeks at a time. The DLA does not propose any PM&E measures in this section that would benefit aquatic habitat. The DLA does propose to potentially continue the current water quality monitoring. The SCDNR does not find this to be an adequate measure taken to improve hypoxic conditions in the Stevens Creek arm of the reservoir.		DESC has developed a draft Stevens Creek Water Quality AMP to be incorporated into the new license for the Stevens Creek Project. The overall goal of the Stevens Creek Water Quality AMP is to evaluate water quality in the Stevens Creek Reservoir, specifically focusing on Stevens Creek proper, and provide guidance on potential measures for water quality improvement during the new license term. The draft AMP is included as Appendix E-7 to the Exhibit E.	
DLA	SCDNR	DLA DNR E-02	Section 3.2.1.4 is intended to present recreational enhancements at the Stevens Creek Project. However, the DLA did not provide any proposed enhancements for public comment. The SCDNR has participated in all Recreation Resource Conservation Group (RCG) consultation meetings and provided comments on the Recreation Use and Needs Survey Report. The SCDNR finds the DLA's omission of proposed recreational enhancements in the DLA unacceptable. The DLA also acknowledges the Applicant's intent to develop an updated Recreation Management Plan (RMP) which will include details on the proposed recreation site enhancements and additional information that will be included in the Final License Application (FLA). The SCDNR will want to offer input to these proposals as they are developed for the RMP. Further, the SCDNR notes that the Applicant's ownership of two parcels in the upper portion of the Stevens Creek reservoir were not discussed with the Recreation RCG nor proposed as potential recreation sites. The SCDNR recommends the Applicant discuss the current use of the two properties and any future plans to develop the sites in the FLA.		Since the filing of the DLA, DESC has developed a draft Recreation Management Plan (RMP) for stakeholder review. Additionally, DESC has held a meeting on October 2, 2023 with agencies and relicensing stakeholder to review the draft RMP and answer any initial questions regarding the document. DESC has received comments on the RMP from SCDNR, which have been included within this comment matrix and the draft RMP has been updated, as appropriate. With regard to the DESC-owned properties on the South Carolina side of the reservoir, within McCormick County, DESC is open for discussion regarding these properties, however these are accessible by water only, as they are surrounded by private development with no road access.	
DLA	SCDNR	DLA DNR E-03	Section 3.2.2 discusses additional proposed PM&E measures. The SCDNR notes that the protection of a vegetated buffer zone on licensee owned land around the Project reservoir is not included in this section. Although, the measure is included later in the DLA as a proposed action in Section 4.10.2.1. The SCDNR recommends including the protection of a vegetated buffer zone as a PM&E measure, as described in Article 410 of the current license, for the term of the new license.		DESC proposes to continue to maintain a buffer of trees on DESC-owned land around the reservoir to minimize soil erosion and maintain aesthetic quality, as discussed in Section 4.10 of the Exhibit E.	
DLA	SCDNR	DLA DNR E-04	Section 4.4.1.3 discusses water use affected by Project operations. The SCDNR notes that the Augusta Canal Hydroelectric Project has a proposed FERC-designated boundary. However, it is not depicted as a proposed boundary in this section. The SCDNR recommends the DLA be corrected to reflect the proposed status of the boundary.	Yes: Exhibit E - Section 4.4.1.3.	The Augusta Canal Hydroelectric Project boundary is described in Section 4.4.1.3 of the Exhibit E.	
DLA	SCDNR	DLA DNR E-05	Section 4.4.1.4 discusses water quality affected by Project operations. The SCDNR continues to remain involved with the Water Quality Technical Working Group (WQTWC) to address concerns related to poor water quality in the Stevens Creek arm. The water quality study conducted from January 2021 to February 2022 documented poor water quality conditions frequently occurring at Study Sites 4 and 5, as noted in the DLA. The DLA presents preliminary data from the ongoing study and includes Table 4.3 summarizing the monthly average DO at each of the study sites. Table 4.4 includes the minimum and maximum ranges for DO readings at Study Sites 2 and 3. The SCDNR recommends the FLA include an additional table of the minimum and maximum DO readings at all of the study sites. The DLA acknowledges that 15.7 percent of the measurements taken throughout the year in the Stevens Creek arm were below 4.0 mg/L. However, it does not acknowledge that DO of less than 4.0 mg/L is non-compliant with South Carolina's water quality standards for freshwater. Further, the DLA does not discuss the duration of non-compliant DO episodes.	Yes	The Water Quality report and corresponding section in Exhibit E has been revised to include the requested information.	

DLA	SCDNR	DLA DNR E-06	The WQTWC is working to better understand the cause and upstream extent of hypoxic conditions in the Stevens Creek arm. Results from the first year of the water quality study revealed that poor water quality conditions frequently occur in the Stevens Creek arm. The SCDNR submitted comments to the Applicant on September 2, 2022, regarding the Project's study reports on freshwater mussels, recreation use and needs, and water quality. Our comments expressed concern regarding the upstream extent of the hypoxic conditions. The SCDNR is concerned that the conditions may be affecting aquatic organism habitat and creating a barrier to fish passage. The SCDNR and other members of the WQTWC requested a modified extension of the water quality study that would focus on the cause and upstream extent of the poor water quality. The Applicant provided a draft version of the 2023 Water Quality Study Plan to the WQTWC on January 18, 2023. However, the draft study plan was not included in the DLA. Further, the DLA makes no mention that one of the main goals of the extended study is to identify the upstream extent of the hypoxic conditions. The SCDNR and other resource agencies involved in the WQTWC coordinated and developed comments on the draft 2023 Water Quality Study Plan that were submitted to the Applicant on February 9, 2023. The comments, which are included in the DLA's Exhibit E-1, discuss several concerns shared by the resource agencies, methodology recommendations, and requests for additional details in the study plan. The Applicant provided a revised study plan to resource agencies on April 12, 2023. The SCDNR found that the revised plan failed to address many resource agency concerns. Following a consultation meeting held on April 17, 2023, the Applicant agreed to deploy an additional continuous monitoring station immediately downstream of the confluence of Stevens Creek and Horn Creek. Additionally, the Applicant agreed to increase efforts as part of the longitudinal survey. As of the date of this letter's submission, the Applicant has not provided the WQTWC with a revised study plan that includes the study's modified methodology. Although it is not noted in the DLA, the flow dynamics in the Stevens Creek arm are relatively consistent daily, with outflows in the morning and inflows in the afternoon. The flows closely mirror the outflows from the JST dam. The expectation of the increased effort in the longitudinal survey is to capture the extent of the low DO during the inflows and outflows of the Stevens Creek arm. The flow dynamics of the Stevens Creek arm should be further discussed in the FLA regarding its effects altering instream flows, sediment transport, and water quality.	No: See Applicant Response	A revised 2023 Stevens Creek Water Quality Study Plan incorporated agency comments and was distributed via email on 8/17/2023. The discussion was revised to indicate one of the main goals of the 2023 study is to determine the spatial extent of low DO conditions in Stevens Creek.	
DLA	SCDNR	DLA DNR E-07	Section 4.4.2.1 discusses the Project's proposed actions related to water resources. In this section, the DLA is not proposing to continue the water quality monitoring plan developed under the current license. The DLA explains that since water quality monitoring has shown improvements in some monitoring locations, that the need to continue monitoring is not necessary. The SCDNR disagrees that state dissolved oxygen standards are consistently being met in the Stevens Creek reservoir. The SCDNR finds that the water quality data collected during the 2021 and ongoing study show very concerning low DO levels that cannot support aquatic life during portions of the year. Even though DO levels below the JST and Stevens Creek dams have improved since the implementation of Articles 404 and 405 of the current license, hypoxic conditions are still being produced within the project boundary. Therefore, continuing water quality monitoring during the new license term within the reservoir is necessary. Monitoring should continue in order to capture data before, during, and after any PM&E measures are implemented to improve the DO in Stevens Creek. The SCDNR looks forward to continuing to work with the WQTWC to develop PM&E measures for water quality in the Stevens Creek arm.	No: See Applicant Response	Thank you for your comment. It has been noted. As is described in the FLA, DESC is proposing to add water quality parameters to existing gages to further inform water quality within the Stevens Creek Project boundary. In addition, DESC is proposing to work with SCDNR and other agencies and stakeholders through a Water Quality AMP. Nevertheless, resident fish species population data, as presented in the Exhibit E, shows a stable and diverse fishery, despite episodic low DO events	
DLA	SCDNR	DLA DNR E-08	Section 4.5.1.2 discusses the resident fishery composition and distribution affected by the Project. The section discusses various species found throughout the Savannah River even though fish passage is not currently provided below the Stevens Creek Project at the Augusta Canal or New Savannah Bluff Lock and Dam. The paragraph that discusses striped bass behavior and fisheries management strategies describes the population as one that can migrate throughout the Savannah River. The SCDNR is aware of striped bass stocking efforts in the JST reservoir and the lower Savannah River but is not aware of stocking efforts in the Stevens Creek reservoir. The SCDNR requests clarification regarding striped bass populations in the FLA. Further, the paragraph discussing the largemouth bass population within the Stevens Creek reservoir references drought conditions that have negatively affected the growth rates of the species over the last few years. The SCDNR requests the FLA include references to support the assertion that the middle Savannah River has experienced drought conditions over the past few years and the growth rates of largemouth bass have been affected due to such conditions.	Yes: Exhibit E - Section 4.5.1.2.	A Savannah River record striped bass was caught downstream of Thurmond Dam on May 7, 2012. Though not stocked, striped bass present in Thurmond Reservoir may have been passed below Thurmond Dam during spillway or generation operations, or even angler introduction. Statements regarding the presence of striped bass in Stevens Creek Reservoir have been revised for clarity. Discussions regarding LMB growth rates being affected by drought has been modified accordingly.	
DLA	SCDNR	DLA DNR E-09	Section 4.5.1.4 discusses freshwater mussel population composition and distribution affected by the Project. The section discusses a study conducted in Sumter National Forest in 2017. The report is not publicly available and was not included as a supporting document in the DLA. The SCDNR requests the report be included in the FLA. Information presented in the DLA demonstrates that aquatic habitat for freshwater mussels exists upstream and downstream of the Project. Yet, the aquatic habitat surveyed within the project boundary as part of the 2021 mussel survey found all sites inadequate to support freshwater mussel populations. The DLA does not include any discussion on the adverse effects of project operations or propose PM&E measures regarding freshwater mussel populations at the Project. The SCDNR recommends, at the least, discussion be included in the FLA regarding adverse impacts on mussel habitat due to instream flow alterations, turbidity and nutrient load, and sedimentation at the Project.		Thank you for your comment. The comment has been noted. DESC will work with the USFS to distribute the SNF 2017 mussel report to interested agencies and stakeholders. Mussel communities in and around the project have been described in Section 4.5 of the Exhibit E, and analyzed commensurate with the extent to which FERC requires applicants to describe the existing condition as the baseline against which to measure the effects of the proposed action and any alternative actions.	
DLA	SCDNR	DLA DNR E-10	Section 4.10.2.1 discusses land use and aesthetics affected by the Project. The SCDNR supports the DLA's proposed action to continue implementing the aesthetic enhancement and mitigation measures including: 1) Develop a plan to control erosion, slope instability, and sedimentation during construction of the proposed recreation enhancements and any other land disturbing or land-clearing activities. DESC must inspect the reservoir shoreline annually for erosion and reports its findings to FERC every three years; 2) Maintain a buffer area of trees on DESC-owned land around the reservoir to minimize soil erosion and maintain aesthetic quality; and 3) Protect archeological and historic sites within the Stevens Creek Project area by developing and implementing the Historic Properties Management Plan. The SCDNR recommends an additional measure be include to protect the Project's shoreline. The SCDNR recommends the FLA include a measure to protect the vegetated shoreline on properties conveyed in the future to private landowners consistent with the current protection measures.	No: See Applicant Response	Thank you for your comment. DESC currently maintains a buffer of trees along the shoreline of DESC-owned properties in accordance with Article 410 of the current license and proposes to continue this through the new license term. DESC also encourages reservoir landowners to maintain a buffer. However, existing shoreline structures on the reservoir are permitted through USACE. Construction of proposed recreation enhancements and any other land disturbing or land-clearing activities will be conducted via best management practices.	
DLA	SCDNR	DLA DNR E1-01	The SCDNR notes that the DLA did not include the Applicant's correspondence with the WQTWC which included the draft 2023 Water Quality Study Plan in the record of consultation.	Yes: Appendix E-1 - Consultation Documentation	The referenced correspondence has been included in the FLA consultation documentation.	

DLA	SCDNR	DLA DNR E3-01	The SCDNR notes that the Aquatic Habitat Whitepaper was not provided to stakeholders prior to submittal of the DLA. The document concludes that were fish passage to be prescribed at the Project, varying levels of success would be achieved for various species. However, the document does not discuss resident fish or mussel populations that are affected by the current poor aquatic habitat in the Stevens Creek arm. The hypoxic conditions that the Project regularly experiences cannot support resident species. The habitat within the Stevens Creek arm from the Savannah River mainstem to an undetermined extent will have an effect on any fish species passed at the Project, however, this was not discussed. Additionally, the discussion and conclusion offer no proposed methods to enhance the habitat. The SCDNR recommends the document include in the discussion PM&E measures for aquatic habitat in Stevens Creek arm that will support aquatic species.	Yes	Thank you for your comment. The species of interest/focus of the Aquatic Habitat Whitepaper was on RTE species, migratory fish species, and mussels. Resident fish communities within the Project area are discussed in the Exhibit E, but a statement regarding existing residential fish communities has been added to Section 3.1 of the Whitepaper. Additionally, DESC is proposing to continue the fish mitigation and enhancement fund, as is required in Article 406 of the existing license (See Section 3.2 of the Exhibit E).	
DLA	NMFS	DLA NMFS B-01	Section 1.0. After the sentence “The estimated annual plant factor…is 41 percent.” add an additional sentence clarifying if the plant factor is expected to change during the new license term. In reviewing the construction history, there was significant work on the Project from 2001 through 2018 affecting generation. Looking at the last three years, the Project averaged a plant factor of nearly 60 percent. DESC should focus on how it expects to operate the Project in the future. The NMFS is particularly interested in a discussion of how significant maintenance limits generation and re-regulation benefits.	Yes: Exhibit B - Section 1.0.	The three recent years' high generation totals are directly attributable to hydrologic availability. While equipment maintenance may have slightly contributed to performance, hydrologic variability is a much more significant factor on annual generation. Additionally, long-term equipment wear balances out short-term gains from equipment upgrades and maintenance. Only changes to turbine capacity could alter long-term generation, none of which are being considered. Clarification as been added to the section.	
DLA	NMFS	DLA NMFS B-02	Section 1.1. The report states turbines need to start and stop while staff is on site with remote throttling capabilities and no weekend operations. Re-regulation potential and Project benefits could be improved through additional flexibilities in weekend operations at the Project. The NMFS encourages DESC to manage the site during the weekends to improve benefits to downstream habitats and fisheries all days of the year.		This section has been revised to clarify staffing and controls operations at the Project. The Project is crewed in some manner seven days a week.	
DLA	NMFS	DLA NMFS B-03	Section 1.2. The report states the Project is currently required to operate at the daily average of the Thurmond Dam discharge within a +/-15 percent band (with some additional leeway during the weekend). The proposed operation drops the +/-15 percent specification. NMFS believes at a minimum this band should be included in the description. The NMFS further recommends the band narrow to 5 or 10 percent to ensure minimization of the downstream impacts on NOAA-trust resources due to peaking at Thurmond Dam.	Yes: Exhibit B - Section 1.2	The description of Project operations was revised within Exhibit B to include the +/- 15 percent. Comment noted regarding narrowing the band.	
DLA	NMFS	DLA NMFS B-04	Section 1.2. At high flows, Project operators trip the flashboards, requiring an undetermined amount of time when the Project has severely limited re-regulation abilities. Considering high flows usually precede the migratory window for NOAA-trust species, timing is an issue. Installation of a partial or full-width crest gate on the spillway may provide more reliable management of Savannah River flows from Thurmond Dam.	No: See Applicant Response	Please see response to SCDNR comment B-01, above.	
DLA	NMFS	DLA NMFS B-05	Section 2.1. Clarify the sentence “Using the Thurmond Dam daily…dependable capacity of 1.4 MW.” Under drought conditions of 3,100 cfs, the Project would operate one unit at 50 percent gate setting for a dependable capacity of 1.4 MW. Considering the units have a hydraulic capacity in the range of 1,035 cfs, operating at 50 percent would mean a discharge of approximately 500 cfs. DESC should describe the remaining river flows under these operation conditions.	Yes: Exhibit B - Section 2.1	The sentence has been revised to provide clarity. The numbers provided were estimated based on data from October 2022 when the Project reduced load for a dam inspection downstream.	
DLA	NMFS	DLA NMFS E-01	Section 3.1.1.6. Clarify the sentence “The normal operating target range …of the scheduled discharge.” Please revise as suggested in Section 2.1 Exhibit B.	Yes: Exhibit E - Section 3.1.1.6	The sentence was revised to provide clarity.	
DLA	NMFS	DLA NMFS E-02	Section 3.1.1.6.2. NMFS notes high flow conditions of 8,300 to 30,000 cfs occur nearly every year, resulting in significant downtime and potentially limiting the Project’s ability to re-regulate flows from Thurmond Dam. Considering high flows usually precede the migratory window for NOAA-trust species, the timing of flashboard deployment could result in delayed or less efficient passage. In the absence of more reliable management of Savannah River flows from Thurmond Dam, a partial or full-width crest gate may address this issues.	No: See Applicant Response	Please see response to SCDNR comment B-01, above.	
DLA	NMFS	DLA NMFS E-03	Section 4.1.6. Revise to include additional information on the Stevens Creek sub-basin from the Diadromous Fish Restoration Plan for the Middle Savannah River: Strategy and Implementation Schedule (2005) and sources therein.	Yes: Exhibit E - Section 4.1.6.	The additional information has been added as requested.	
DLA	NMFS	DLA NMFS E-04	Section 4.2. Revise the sentence “It is likely that the dams have cumulatively affected the fishery (anadromous fish species) in the Savannah River” to remove “It is likely that.” Dams have affected the resource. Cumulative Effects to river hydrology and water quality should be discussed alongside those to fisheries.	Yes: Exhibit E - Section 4.2	The sentence has been revised as suggested. Water quality is discussed in the section as a cumulative impact.	
DLA	NMFS	DLA NMFS E-05	Section 4.4.1.1 and Figure 4.8. Revise to explain why the “Project drainage” area does not include the entirety of the Stevens Creek sub-basin.	Yes: Exhibit E - Section 4.4.1.1.	The Project drainage area does include the entire Stevens Creek sub-basin (HUC 03050107). The figure depicts the drainage area between JST and Stevens Creek Dam. Clarifying text has been added to the discussion.	
DLA	NMFS	DLA NMFS E-06	Section 4.4.1.4. The sentence “During the study, daily average dissolved oxygen (DO) was below 5 mg/L on 89 days, and 1,133 of 7,194 (15.7 percent) measurements were below 4 mg/L” is a significant result downplayed throughout the DLA and in this Section. Development of hypoxic conditions in the reservoir requires resolution.	No: See Applicant Response	Thank you for your comment.	
DLA	NMFS	DLA NMFS E-07	Table 4-4. Provide an explanatory caption for the numbers presented. It is easy to misread the table as representing an average of the daily average for the month and the minimum and maximum daily average of the month. This interpretation leads readers to believe flows from the powerhouse violate state standards (< 5mg/L daily average). NMFS previously commented on the Water Quality Study Report recommending clarification was needed and suggesting inclusion of a summary mean (+/- standard error) and range for both the instantaneous and daily average DO. This will facilitate direct comparison to the state’s instantaneous and daily average standards and avoid readers drawing an incorrect conclusion.	Yes: Exhibit E - Table 4-4.	The table header was revised to indicate it depicts the monthly average, minimum, and maximum values for DO. As indicated in the text that precedes Table 4-4, there were no instances where DO was less than 4.0 mg/L nor were there any days where the DO average was less than 5.0 mg/L at the two referenced study sites.	

DLA	NMFS	DLA NMFS E-08	Section 4.4.2.1. Here and elsewhere where it is repeated, revise the sentence “However, DO levels improve as they pass through the Stevens Creek Project and have consistently exceeded state water quality standards in the tailrace” to replace “have consistently exceeded” with “were above.” The U.S. Geological Survey gage is not a continuous dataset and cannot be relied on to claim consistency. It is a long-term dataset, but each point is a snapshot. The 2021 data are more continuous and show DO levels were above state standards during the year.	Yes: Exhibit E - Section 4.4.2.1.	Text revised.	
DLA	NMFS	DLA NMFS E-09	Section 4.4.2.1. Revise the sentence “Operations from the USACE and its subsequent effects on water quality downstream are now well-understood…the current license.” to replace “well-understood” with “better understood,” and include an additional sentence clarifying gaps in current knowledge.	Yes: Exhibit E - Section 4.4.2.1.	Text revised.	
DLA	NMFS	DLA NMFS E-10	Section 4.5.1.3. The sentence “Negotiations between the USFWS and NMFS and the City of Augusta are ongoing and construction of the fishway has not been initiated.” is incorrect. NMFS has not been negotiating with the City since 2008. This statement should be revised here and where it is reiterated throughout the DLA.	Yes: Exhibit E - Section 4.5.1.3.	Text revised.	
DLA	NMFS	DLA NMFS E-11	Section 4.5.2.1.1. Remove the sentence “As stated in the FERC EA (1995) for the Stevens Creek Project, turbine-induced mortality of 4 to 6 percent represents a small proportion of the high natural mortality that occurs among small fish, including blueback herring.” The purpose of the study was to determine Project effects. The statement included above refers to an outdated study referring to landlocked blueback herring populations. NMFS is concerned about the mortality created through Project operations to diadromous fish populations including blueback herring.	No: See Applicant Response	Comment noted. Although the referenced study was performed over 30 years ago, Dominion has not made any modifications to the Project's trashracks, turbines, or mode of operation. Further, there are no differences in body morphology or entrainment risks between landlocked blueback herring and their anadromous counterparts. Therefore the results of the referenced study remain valid.	
DLA	NMFS	DLA NMFS E1-01	The DLA does not reflect comments the agencies provided on the meeting notes from September 20, 2022; October 5, 2022; and December 13, 2022. For example, the DLA fails to note the request for eel population surveys in the project area.	Yes: Appendix E-1 - Consultation Documentation	Agency comments from the referenced September and December meetings have been included in the consultation documentation. The October 5 meeting was strictly between DESC and the USFS, and no comments were received from the USFS on the meeting notes.	
DLA	NMFS	DLA NMFS E1-02	At the December 13, 2022, meeting, DESC presented a number of slides not included in the meeting notes filed with FERC. These slides contain useful visualizations of the DO dynamics in the Project area and have significant implications for our understanding of water quality deviations within the Project area (see comments on the Water Quality Study Report and Section 5 of the Aquatic Habitat Report). These slides should be included in the record.	Yes: Appendix E-1 - Consultation Documentation	The requested presetnation has been included in the consultation documentation.	
DLA	NMFS	DLA NMFS E1-03	DESC included NMFS comments on the 2023 Water Quality Plan, but did not include the plan itself or its subsequent revision. Both the plan and revisions should be included in the Final License Application.	Yes: Appendix E-1 - Consultation Documentation	The 2023 Water Quality plan including NMFS comments have been added to the consultation documentation.	
DLA	NMFS	DLA NMFS E4-01	NMFS previously provided DESC with comments on the draft report, and the final version of the report presented in the DLA does not reflect the comments. Agencies requested additional analysis and discussion of DO dynamics in the reservoir. Because this important additional information was not in the Water Quality Report, it was not captured in the aquatic habitat report, or Exhibit E, and has contributed to a misrepresentation of our understanding of water quality in the Stevens Creek Project Area throughout the DLA.	Yes: 2021 Water Quality Report	The 2021 Water Quality Report was revised based on stakeholder comments. The revised version is included with the FLA.	
DLA	NMFS	DLA NMFS E4-01	Significant additional analysis and discussion has since occurred that is important to include in the report, and subsequently in other sections of the DLA: 1) Present figures showing the relationship between discharge into the Project area, DO (in Stevens Creek, Site 5 specifically), and time of day. Discuss any apparent trends; and 2) Include a discussion of the currently hypothesized source of hypoxic conditions in the Stevens Creek arm of the reservoir: discharges from Thurmond Dam are impounded by the Stevens Creek Dam and redirected up the Stevens Creek arm of the reservoir. Those waters then flush a series of shallow ponds that are situated off the mainstem of the middle reach of Stevens Creek. The stagnant water in those ponds is believed to be lowering the DO concentration in the reservoir.	No: See Applicant Response	The requested information will be provided once the additional 2023 Water Quality investigations are complete.	
DLA	NMFS	DLA NMFS E6-01	The American eel analysis does not address the comments from NMFS on the Pre-Application Document. The literature review and comparison to similar sites with use of distribution fitting to estimate passage parameters provides some useful information. Revise to note the different orientation of turbines (i.e., vertical versus horizontal Francis units) between South Carolina projects and projects referenced along with providing a discussion of potential impacts on results.	No: See Applicant Response	Seven of the eleven sites used to assess eel mortality were confirmed to have vertical Francis turbines. One site, Station 1, had horizontal Francis turbines. We could not find information to determine if the remaining three sites (Newport, Warren, and Millville) had vertical or horizontal Francis turbines. The average survival rate for the seven sites with vertical Francis turbines was 93.5%, and the average survival rate for the other four sites was 88.1%. Therefore, If these four sites were removed from the analysis, survival rates predicted by the beta distribution fitting would be higher.	
DLA	NMFS	DLA NMFS E6-02	The NMFS is concerned about safe Alosine passage through the Francis units. Alosines are more susceptible to shear stress than eels and typically have shown lower survival through Francis units than Kaplan units (Pracheil et al. 2016 (https://doi.org/10.1007/s11160-015-9416-8); Pflugrath et al. 2020 (https://doi.org/10.3390/w12020586)).	No: See Applicant Response	Thank you for your comment. Our analysis indicated relatively high predicted survival rates.	
DLA	NMFS	DLA NMFS E7-01	The report states “Although poor mussel habitats were observed within the Project area, it should be noted that a portion of the Stevens Creek watershed, farther upstream from the surveyed reach, outside of the Project boundary and the effects of impoundment, is of global conservation significance because of its high mussel diversity and presence of many rare species. Tributaries, such as Mountain Creek, Little Stevens Creek, and Sleepy Creek, provide habitat for the federally listed Carolina Heelsplitter (Lasmigona decorata). Stevens Creek, upstream from the Project boundary and many of its headwater tributaries also provide habitat for several mussel taxa of significant conservation concern.” This information is downplayed throughout the DLA because the poor mussel habitats in the Project area are likely the result of Project effects. The Stevens Creek Dam fragments the longitudinal connectivity of mussel habitat and alters sediment dynamics, leading to a diminished mussel population, compared to the populations upstream.	Yes: Exhibit E, Aquatic Habitat Whitepaper	This information has been included in appropriated sections in the Exhibit E and Aquatic Habitat Whitepaper.	

DLA	City of Augusta	DLA Aug IS-01	Georgia is a riparian rights water rights state in which the English doctrine of riparian rights natural flow subject to reasonable use was adopted and is the law of this state since 1848. *Henrick v. Cook* , 4 Ga. 421 (1848); *Pyle v. Gilbert* , 245 Ga. 403, 264 S.E.2d 584 (1980). The General Assembly codified Georgia's common law riparian rights doctrine in the mid 1800s, after the construction of Augusta's ADD and canal. "Ownership of running water; right to divert or adulterate water. Running water belongs to the owner of the land on which it runs; but the landowner has no right to divert the water from its usual channel nor may he so use or adulterate it as to interfere with the enjoyment of it by the next owner." O.C.G.A. § 44-8-1 (formerly Georgia Code Section 85-1301 (Code of 1933)).	DESC has added the City of Augusta Utilities Dept. as a potentially interested party under the Initial Statement, Pg. 4, Paragraph (iii).	DESC understands that FERC does not determine state water rights, which is a matter reserved to the states under Section 27 of the Federal Power Act. *First Iowa Hydro-Elec. Coop. v. FPC, 328 U.S. 152, 175-76 (1946)* . This FERC proceeding is not the right forum to adjudicate the respective water rights of Augusta and DESC under state law.	
DLA	City of Augusta	DLA Aug IS-02	Augusta also owns properties and has water rights within the State of South Carolina subject to South Carolina water rights laws.	Yes: Initial Statement	See response to Augusta comment IS-01, above.	
DLA	City of Augusta	DLA Aug IS-03	All of Augusta's water rights are vested and are continuous notorious uses.	Yes: Initial Statement	See response to Augusta comment IS-01, above.	
DLA	City of Augusta	DLA Aug IS-04	Impoundment of natural flow of the Savannah River by Dominion Energy at Stevens Creek is a diversion and impedes Augusta’s natural flow rights and therefore is not lawful unless reasonable. Furthermore, Dominion Energy has not acquired Augusta’s water use rights, which vest to 1845 and include the ADD, canal, flows of 2,700 cfs on average and above, or compensated Augusta for those rights, which Dominion Energy uses to produce an average of 66,000 megawatt hours per year of power generation at estimated value of over $ 16 million (standard average values, not including peaking premiums).	No: See Applicant Response	Regarding Augusta's request for compensation, it is well-established that FERC does not have authority to award monetary compensation to third parties allegedly injured by a licensee’s project operations. *S.C. Pub. Serv. Auth. v. FERC* , 850 F.2d 788 (D.C. Cir. 1988). In support of its argument for an allocation of power from Dominion, Augusta cites the Commission’s orders for the relicensing of New York Power Authority’s (NYPA) St. Lawrence-FDR Power Project No. 2000, *N.Y. Power Auth. v. Power Auth. of N.Y., 105 FERC ¶ 61,102 (2003), order on rehearing* , 107 FERC ¶ 61,259, *reh’g denied* , 109 FERC ¶ 61,092 (2004), and Section 20 of the FPA. However, the NYPA relicensing orders reaffirmed FERC’s long-standing practice to leave the disposition of project power in the hands of the licensee unless Congress has made a legislative directive to the contrary. 109 FERC at P 17. Augusta can point to no such Congressional directive here. Exceptions to this practice are exceedingly rare and FERC has never made an exception under the conditions of modern electric markets. *Id* . at P 27. Similarly, FPA Section 20 authorizes FERC rate regulation of a licensee only in the limited circumstances of sales in interstate commerce where a concerned state has not provided a public service commission to regulate such sales (not the case here), or where there are two or more concerned states that disagree through their public service commissions. Augusta documents no disagreement between Dominion’s regulatory authorities, i.e., the respective Public Service Commissions, in this regard. Like state water rights, the allocation of Stevens Creek Project power is a matter for state law, and not a FERC relicensing issue.	

DLA	City of Augusta	DLA Aug IS-05	The applicant's response to this part of the initial statement is incomplete and incorrect and must be updated to reflect riparian rights ownership. As noted in Augusta's comments, the license application provides insufficient information to determine impact on Augusta and its vested water rights. According to the National Marine Fisheries Service, the following flows which must be discharged by the Stevens Creek project in order to reach the Augusta Shoals is required to protect, mitigate, or enhance fish and wildlife (including related spawning grounds and habitat), the protection of recreational opportunities, and the preservation of other aspects of environmental quality as per Section 4(e) of the FPA, and to balance the applicants use of the Savannah River with the FPA requirements for adequate protection, mitigation, and enhancement of fish and wildlife (including related spawning grounds and habitat). FPA Section 4(e), 10.	No: See Applicant Response	Augusta claims that it is Dominion's obligation to make Augusta whole for the minimum instream flows the NMFS is proposing to require in Augusta's license for its Project No. 11810: "Adding canal FPA protected uses dating back to 1845 to NMFS shoals mandated flows requires between 4,500 cfs and 6,000 cfs to meet Augusta's protected municipal uses and meet NMFS mandated flow requirements. As Augusta has no useable storage, ***releases from Stevens Creek must meet between 4,500 cfs and 6,000 cfs as an instantaneous minimum flow requirement*** in order to meet FPA and vested water rights protected water uses and NMFS mandated flows." Augusta Comments at 5-6 (emphasis in original). Although FERC does not adjudicate water rights, a licensee's water rights are not inviolate. *Portland General Elec. Co. v. FPC* , 328 F. 2d 165, 177 (9th Cir. 1964). Surrendering some portion of a licensee's right to divert water for consumptive use in order to protect fish resources is a *quid pro quo* for receiving the benefit of a FERC license. California v. FPC, 345 F.2d 917, 923-24 (9th Cir. 1965); *Conway Ranch Partnership* , 50 FERC ¶ 61,406 at p. 62,254 (1990). Augusta is responsible for mitigating its own project impacts. Dominion has no obligation under the FPA to mitigate the downstream impacts of Augusta's project, or to make Augusta whole for the loss of any consumptive water it may suffer as a condition of FERC granting Augusta a license. And, in any case, as explained in detail in FLA, the Stevens Creek Project does not have the capability to guarantee the minimum flows requested by Augusta due to its limited storage. Thus, Dominion could not "fix" Augusta's problem even if Dominion were responsible to do so, which it is not.	
DLA	City of Augusta	DLA Aug IS-06	[Table not included in comment matrix: NMFS Instantaneous In-Stream Flow Mandate to Protection Sturgeon in Augusta Shoals 0.9 Miles Below Stevens Creek Dam; Accession # 20230425-5103, National Marine Fisheries Service Draft BO, at 117.] The foregoing flows should be considered flows necessary to protect, mitigate, or enhance fish and wildlife (including related spawning grounds and habitat), the protection of recreational opportunities, and the preservation of other aspects of environmental quality as per Section 4(e) of the FPA, and to balance the applicants use of the Savannah River with the FPA requirements for adequate protection, mitigation, and enhancement of fish and wildlife (including related spawning grounds and habitat). FPA Section 4(e), 10. NMFS proposes that these flows take precedence over Augusta's vested municipal water uses such that the applicant should ensure that these instantaneous minimum flows are discharged as part of Stevens Creek reregulation function and its license condition under FPA Sections 4(e) and 10, as well as sufficient flows to meet Augusta's vested municipal water uses. the DLA and Exhibits currently contain insufficient information to determine whether these water uses and vested water rights will be met by the applicant's proposal.	No: See Applicant Response	See response to Augusta comment IS-05, above.	
DLA	City of Augusta	DLA Aug IS-07	Augusta property and water rights are within the direct area of influence of the Stevens Creek dam and Augusta reserves the right to provide additional comments and reserves all rights, defenses, and actions with respect to such rights.	No: See Applicant Response	Comment noted.	
DLA	City of Augusta	DLA Aug IS-08	The license application does not specify minimum flows from the project historically or projected. Augusta requests information to determine impairment of its water rights, which are protected under the FPA, Georgia law, and including Sections 27 and 21 of the FPA. Average canal flows are 2,700 cfs. The applicant must provide for Augusta's vested municipal water uses in its DLA and Exhibits, otherwise the Initial Statement must make clear that the licensee does not possess adequate rights to the appropriate, diversion, and use of water for power purposes required for licensing under the FPA and regulations including 18 C.F.R. 4.38.	No: See Applicant Response	As discussed within the FLA, the normal operating target range for the Stevens Creek Project is to provide an hourly release of ± 15 percent of the scheduled daily average discharge from Thurmond Dam depending on the reservoir elevation. When daily average releases from Thurmond Dam vary within 500 cfs of those originally scheduled, Stevens Creek Project operation will be adjusted as needed to accommodate the change as soon as operators are notified of the change by the USACE. Regarding water rights, see responses to Augusta comments IS-04 and IS-05, above.	

DLA	City of Augusta	DLA Aug B-01	**1.0 Power Plant Operation: The applicant proposes to continue to operate the Stevens Creek Project in the same manner it has under the current license.** The applicant has not assessed alternative operations as necessary to necessary to protect, mitigate, or enhance fish and wildlife (including related spawning grounds and habitat), the protection of recreational opportunities, and the preservation of other aspects of environmental quality as per Section 4(e) of the FPA, and to balance the applicants use of the Savannah River with the FPA requirements for adequate protection, mitigation, and enhancement of fish and wildlife (including related spawning grounds and habitat) as per Section 10 of the FPA. Accordingly, current operations have not been assessed as to Sections 4 and 10 and appear to be inadequate and inappropriate.	No: See Applicant Response	To date, no alternative operations of the project have been formally proposed by relicensing participants other than the city of Augusta's requested analysis of ramping provided in response to the DLA. DESC responds to the city of Augusta's request for a ramping analysis under the respective comment, below. The proposed action of continued operation of the project in the same manner under which the project is currently being operated was thoroughly assessed within the DLA and is thoroughly assessed within this FLA with respect to each resource area. Moreover, the downstream benefits of the current re-regulation operations afforded to downstream resources and entities, including the City of Augusta, are well documented, as discussed by FERC during their 1995 Environmental Analysis and during resource agency discussions during the relicensing process (see Consultation Documentation). DESC disagrees with the City of Augusta's statement that current operations have not been assessed as to Sections 4 and 10, and disagrees with the City's statement that discussions of operation are inadequate and inappropriate.	
DLA	City of Augusta	DLA Aug B-02	**1.0 Power Plant Operation: The applicant proposes to continue to operate the Stevens Creek Project in the same manner it has under the current license.** Regarding protection, mitigation, and enhancement, and balancing, of fish and wildlife uses and spawning grounds and habitat, the National Marine Fisheries Service (NMFS) recently issued flow requirements for the Augusta shoals that NMFS deems necessary to meet these FPA and Endangered Species Act, 16 U.S.C. §1531 et seq. ("ESA") requirements. This determination, which was draft, if finalized determines instantaneous minimum flows of up to 3,300 cfs are necessary to protect aquatic resources in the Augusta shoals including spawning habitat, the one mile downstream of the Stevens Creek dam discharge, as follows: [Table not included in comment matrix: Accession # 20230425-5103, National Marine Fisheries Service Draft BO, at 117.]	No: See Applicant Response	Comment noted. As discussed in response to the City's comment IS-05, above, the City of Augusta is responsible for mitigating its own project impacts. Dominion has no obligation under the FPA to mitigate the downstream impacts of Augusta's project, or to make Augusta whole for the loss of any consumptive water it may suffer as a condition of FERC granting Augusta a license.	
DLA	City of Augusta	DLA Aug B-03	**1.0 Power Plant Operation: The applicant proposes to continue to operate the Stevens Creek Project in the same manner it has under the current license.** Operations for the Stevens Creek project must be revised to meet these newly determined flows necessary to protect, mitigate for, or enhance fish and wildlife resources in accordance with Section 4(e) of the FPA and balance the applicants use of the Savannah River with the FPA requirements for adequate protection, mitigation, and enhancement of fish and wildlife (including related spawning grounds and habitat) as per Section 10 of the FPA.	No: See Applicant Response	See response to Augusta comment IS-05, above.	
DLA	City of Augusta	DLA Aug B-04	**1.2 Proposed Operation: Adverse (Low) Flow Years. During periods of low flow in the Savannah River, when Thurmond Dam discharges are reduced to a daily average of 4,000 cubic feet per second (cfs) to 4,200 cfs, the Stevens Creek Project will continue to generate to approximate the scheduled daily average discharge from Thurmond Dam depending on the reservoir elevation. The primary difference from normal conditions would be that the discharge from the Stevens Creek Project would not exceed about 4,200 cfs unless more water is discharged from Thurmond Dam. Stevens Creek Reservoir fluctuation would be slightly less than under normal conditions, due to the reduced storage required to reregulate the lower Thurmond Dam discharges.** The operations provide information only for operational discharge. This section and others in the DLA and Exhibits do not quantify the total discharge including spillage and whether there is any leakage or other discharge source from the project.	No: See Applicant Response	Comment noted. DESC operates the project in accordance with license requirements, as is detailed in the Operating Plan on file with FERC. River flows are primarily influenced by upstream USACE operation of Thurmond Dam. Gaging of flows below the Stevens Creek Dam is discussed further in Exhibit E, Section 4.4.1.2.	
DLA	City of Augusta	DLA Aug B-05	**1.2 Proposed Operation: Adverse (Low) Flow Years. During periods of low flow in the Savannah River, when Thurmond Dam discharges are reduced to a daily average of 4,000 cubic feet per second (cfs) to 4,200 cfs, the Stevens Creek Project will continue to generate to approximate the scheduled daily average discharge from Thurmond Dam depending on the reservoir elevation. The primary difference from normal conditions would be that the discharge from the Stevens Creek Project would not exceed about 4,200 cfs unless more water is discharged from Thurmond Dam. Stevens Creek Reservoir fluctuation would be slightly less than under normal conditions, due to the reduced storage required to reregulate the lower Thurmond Dam discharges. Flows which 'would not exceed' 4,200 cfs are insufficient to meet Augusta's FPA Section 27 protected vested municipal uses and FLA Section 4 and 10 flows necessary to protect, mitigate, or enhance fish and wildlife (including related spawning grounds and habitat), protect recreational opportunities, and the preserve of other aspects of environmental quality as per Section 4(e) of the FPA, and to balance the applicants use of the Savannah River with the FPA requirements for adequate protection, mitigation, and enhancement of fish and wildlife (including related spawning grounds and habitat) as per Section 10 of the FPA.**	No: See Applicant Response	See response to Comment Code DLA Aug IS-05, above.	
DLA	City of Augusta	DLA Aug B-06	**1.2 Proposed Operation: Adverse (Low) Flow Years. During periods of low flow in the Savannah River, when Thurmond Dam discharges are reduced to a daily average of 4,000 cubic feet per second (cfs) to 4,200 cfs, the Stevens Creek Project will continue to generate to approximate the scheduled daily average discharge from Thurmond Dam depending on the reservoir elevation. The primary difference from normal conditions would be that the discharge from the Stevens Creek Project would not exceed about 4,200 cfs unless more water is discharged from Thurmond Dam. Stevens Creek Reservoir fluctuation would be slightly less than under normal conditions, due to the reduced storage required to reregulate the lower Thurmond Dam discharges.** Operations in low flow conditions require minimum flows between 4,500 cfs and 6,000 cfs as follows: Canal inflows = 2,700 cfs; Shoals Flows (National Marine Fisheries Service): [table not included]	No: See Applicant Response	See response to Comment Code DLA Aug IS-05, above.	

DLA	City of Augusta	DLA Aug B-07	**1.2 Proposed Operation: Mean (Normal) Flow Years: During periods of normal flow in the Savannah River, the Stevens Creek Project will generate to approximate the scheduled daily average discharge from Thurmond Dam with the Stevens Creek Reservoir elevation fluctuating within its normal operating range (183.0 to 187.5 feet) daily. When daily average discharges from Thurmond Dam vary from those originally scheduled, Stevens Creek Project operation will be adjusted as needed to accommodate the change, as soon as operators are notified of the change by the USACE. In the normal flow range, the re-regulating operation at Stevens Creek requires using the full active storage (between elevations 183.0 and 187.5 feet).** The operations provide information only for operational discharge. This section and others in the DLA and Exhibits do not quantify total discharge including spillage and whether there is any leakage or other discharge source from the project.	No: See Applicant Response	Comment noted. DESC operates the project in accordance with license requirements, as is detailed in the Operating Plan on file with FERC. River flows are primarily influenced by upstream USACE operation of Thurmond Dam. Gaging of flows below the Stevens Creek Dam is discussed further in Exhibit E, Section 4.4.1.2.	
DLA	City of Augusta	DLA Aug B-08	**1.2 Proposed Operation: Mean (Normal) Flow Years: During periods of normal flow in the Savannah River, the Stevens Creek Project will generate to approximate the scheduled daily average discharge from Thurmond Dam with the Stevens Creek Reservoir elevation fluctuating within its normal operating range (183.0 to 187.5 feet) daily. When daily average discharges from Thurmond Dam vary from those originally scheduled, Stevens Creek Project operation will be adjusted as needed to accommodate the change, as soon as operators are notified of the change by the USACE. In the normal flow range, the re-regulating operation at Stevens Creek requires using the full active storage (between elevations 183.0 and 187.5 feet).** Thurmond has no minimum flow requirements and it may discharge zero or no flow (with approximately 100 cfs of leakage) during extended periods of time. Accordingly it is inappropriate to 'approximate' Thurmond discharges and this approach does not satisfy FPA Sections 4, 10 or 27 protections of water supply, fish and wildlife resources, balancing and protection, mitigation and enhancement of aquatic resources.	No: See Applicant Response	The Exhibit B has been revised to provide clarity on how to the Project operates to accomplish its designated re-regulation function.	
DLA	City of Augusta	DLA Aug B-09	**1.2 Proposed Operation: Mean (Normal) Flow Years: During periods of normal flow in the Savannah River, the Stevens Creek Project will generate to approximate the scheduled daily average discharge from Thurmond Dam with the Stevens Creek Reservoir elevation fluctuating within its normal operating range (183.0 to 187.5 feet) daily. When daily average discharges from Thurmond Dam vary from those originally scheduled, Stevens Creek Project operation will be adjusted as needed to accommodate the change, as soon as operators are notified of the change by the USACE. In the normal flow range, the re-regulating operation at Stevens Creek requires using the full active storage (between elevations 183.0 and 187.5 feet).** Sections 4, 10 and 27 require license conditions with greater certainty than 'approximating' flows that are 'scheduled' but not actual flows.		Comment noted. DESC operates the project in accordance with license requirements, as is detailed in the Operating Plan on file with FERC. River flows are primarily influenced by upstream USACE operation of Thurmond Dam. Gaging of flows below the Stevens Creek Dam is discussed further in Exhibit E, Section 4.4.1.2.	
DLA	City of Augusta	DLA Aug B-10	**1.2 Proposed Operation: High Flow Years: During periods of sustained high discharge in the Savannah River, the Stevens Creek Project will generate to its full capacity (approximately 8,300 cfs), while spilling all additional flow over the 2,000-foot-long overflow section of the dam (some flashboards will be tripped). In this situation, all water coming down the Savannah River passes directly through the Stevens Creek Reservoir. The reservoir may exceed elevation 187.5, depending on the volume and duration of the high flow. When river flow returns to a level controllable by normal operation at the Thurmond Dam, the Stevens Creek Reservoir will be drawn down to about elevation 183.5 feet so that flashboards can be reset. The amount of time required to reset the flashboards will depend on the number of boards tripped and the amount of debris on the spillway. Normal operation of the Stevens Creek Project will resume when the flashboards have been reset.** Augusta agrees with other resource agency commenters indicating that the flash board reset system needs to be modernized to avoid interruptions in operations which will affect FPA Section 4, 10 and 27 resources.	No: See Applicant Response	See Applicant Response to Comment Code DLA DNR B-01, above.	
DLA	City of Augusta	DLA Aug B-11	**1.2 Proposed Operation: High Flow Years: During periods of sustained high discharge in the Savannah River, the Stevens Creek Project will generate to its full capacity (approximately 8,300 cfs), while spilling all additional flow over the 2,000-foot-long overflow section of the dam (some flashboards will be tripped). In this situation, all water coming down the Savannah River passes directly through the Stevens Creek Reservoir. The reservoir may exceed elevation 187.5, depending on the volume and duration of the high flow. When river flow returns to a level controllable by normal operation at the Thurmond Dam, the Stevens Creek Reservoir will be drawn down to about elevation 183.5 feet so that flashboards can be reset. The amount of time required to reset the flashboards will depend on the number of boards tripped and the amount of debris on the spillway. Normal operation of the Stevens Creek Project will resume when the flashboards have been reset. Augusta also recommends that the licensee implement ramping of operations. Under this operational regime, Stevens Creek may immediately change flows in the Savannah River, just one mile upstream of the Augusta Shoals and Augusta proper, from 0 cfs to 8,300 cfs within a matter of minutes. Ramping is necessary under Sections 4 and 10 to protect aquatic resources and aquatic life. NMFS intends to implement fish passage and promote spawning of federally protected species to the shoals one mile from the Stevens Creek dam discharge location. The proposed operations threaten lethal and sub-lethal effects to sturgeon due to the poor swimming capabilities and speed of adults, and due to dislodging and interrupting egg incubation, spawning activities, and juvenile life cycle.**	No: See Applicant Response	Comment noted. DESC recognized NMFS to be the leading experts on effects to sturgeon. As per the DLA comments filed by NMFS, the agency does not recognize ramping as a viable operational alternative for the Project, and has not proposed to alter Project operations from a re-regulation function. The Stevens Creek Project currently operates to provide continuous downstream flows based on upstream releases. DESC has provided clarifying information to the FLA regarding the required re-regulation function of the Project, including benefits of more stable flow to downstream water users.	
DLA	City of Augusta	DLA Aug B-12	**1.2 Proposed Operation: High Flow Years: During periods of sustained high discharge in the Savannah River, the Stevens Creek Project will generate to its full capacity (approximately 8,300 cfs), while spilling all additional flow over the 2,000-foot-long overflow section of the dam (some flashboards will be tripped). In this situation, all water coming down the Savannah River passes directly through the Stevens Creek Reservoir. The reservoir may exceed elevation 187.5, depending on the volume and duration of the high flow. When river flow returns to a level controllable by normal operation at the Thurmond Dam, the Stevens Creek Reservoir will be drawn down to about elevation 183.5 feet so that flashboards can be reset. The amount of time required to reset the flashboards will depend on the number of boards tripped and the amount of debris on the spillway. Normal operation of the Stevens Creek Project will resume when the flashboards have been reset.** As part of the ramping alternatives assessment, the applicant needs to conduct discharge-velocity curve analysis to determine velocity of its discharges as they enter and traverse the shoals.	No: See Applicant Response	Please see the response to DLA Aug B-11, above.	
	City of Augusta	DLA Aug B-13	**2.7 Spillway Rating Curve:** It appears as though the maximum spillway discharge flow with flashboards down, without blockage, is 500 cfs. Assuming maximum hydraulic capacity of 8,300 cfs for all generation unit operations, total hydraulic capacity would appear to be 8,800 cfs (8,300 cfs + 500 = 8,800). Inflows to the Stevens Creek project from Thurmond and Stevens Creek and other tributary contributions may exceed 8,800 cfs.	No: See Applicant Response	The spillway rating curve x-axis is scaled in thousands of cfs (as stated in the axis label as "1,000 cfs"). The capacity of the spillway with flashboards down, without blockage, is 500,000 cfs. From a dam safety perspective, turbines are not included in evaluating total project discharge capacity. It is assumed that they are not available in a flood condition due to high tailwater.	

DLA	City of Augusta	DLA Aug B-14	**2.7 Spillway Rating Curve:** Please include in the operations plan discussion in this section, 2.7 spillway rating curve or elsewhere, spillage or discharge in the event of hydraulic flows above the combined reservoir storage capacity and generating unit + spillway capacity.	No: See Applicant Response	Operations during high flows (inflow of 8,300 cfs to 30,000 cfs) and flood (inflow greater than 30,000 cfs) are discussed in the Operating Plan Revision 4, which is publicly available on the FERC eLibrary. The reservoir elevation may exceed elevation 187.5 ft., depending upon the volume of flow at any given time. If the reservoir and river elevation reach a level which threatens to flood the plant, operation will cease and personnel will evacuate the plant. At this point, all river flow will be discharged over the spillway. As also discussed in the Operations Plan, flows vary and are based on USACE flows. Planned USACE operations can be obtained at https://water.sas.usace.army.mil/GMAP/.	
	City of Augusta	DLA Aug B-15	**Exhibits B1-B17:** Flow duration curves in Exhibit B-2 through B-14 utilizes USGS Streamflow Gage No. 02197000 Savannah River at Augusta, Georgia located just downstream of the New Savannah Bluff Lock and Dam, located at Latitude 33°22'21.1", Longitude 81°56'31.5". Ex. E at 4.4; https://waterdata.usgs.gov/nwis/inventory/?site_no=02197000. This gage does not measure Stevens Creek discharge, outflow, spill or spillway discharge, or other recognized means to determine flows from the project. the gage measure NSBLD discharge and is 21 river miles downstream of the Stevens Creek Dam. Ex. E, 4.4.1.2. Exhibit B indicates that flow duration curves were prorated.	No: See Applicant Response	Information submitted in Exhibit B, including flow duration curves, were developed using practices historically accepted by FERC. Mean daily flows were used in developing flow duration curves, and no prescriptive method is stated in CFR.	
	City of Augusta	DLA Aug B-16	**Exhibits B1-B17:** The use of the discharge gage for the NSBLD 21 river miles downstream and below that impoundment is improper and insufficient to characterize project operations.	No: See Applicant Response	See Applicant Response to Comment Code DLA Aug B-15, above and DLA Aug B-17 below.	
	City of Augusta	DLA Aug B-17	**Exhibits B1-B17:** The applicant's operational records, which are not included in the DLA and Exhibits, have information regarding discharge, discharge capacity, hydraulic capacity, and utilization. These records and information must be provided and included in the Exhibit B operations material and included in the Exhibit E Environmental Assessment. In the event that spillway releases or other releases contribute to instantaneous flows, the applicant must gage or provide a reliable estimate of flows to determine flow duration curve for the Exhibit E analysis and requirements of the FPA as well as impacts to Augusta's vested municipal water rights discussed throughout these comments.	No: See Applicant Response	The intent of the Application is to satisfy the requirements of the CFR, and specific citation of requirements that demonstrate a deficiency are warranted to include additional information. No specific gage plan measuring instantaneous flow is associated with the project, nor is one proposed. As described in Section 4.4 of the Exhibit E, gaging directly below the Stevens Creek Project has been investigated thoroughly by USGS and DESC. The USGS activated a gage directly below the Stevens Creek Project dam in 2010 to collect stage and streamflow data. Both index velocity methods and a traditional stage/discharge ratings (switched at a defined elevation) were utilized. However, after implementation, hydrographic comparison between that gage and neighboring gages indicated problems with the computing method. The gage was discontinued in 2017. At the time, the USGS noted that the site was poorly suited to monitor streamflow because the channel directly below the dam is braided, and conditions are difficult for the implementation of index velocity methods. DESC has since reached out to USGS regarding gaging this section of river, however, the USGS has noted that no new technology is available to provide reliable streamflow data in the referenced section.	
	City of Augusta	DLA Aug B-18	**Exhibits B1-B17:** Due to the fact that Augusta has no usable storage, and recent pronouncements of Federal resource agencies as to instantaneous minimum flows necessary to protect, mitigate, or enhance fish and wildlife (including related spawning grounds and habitat), the protection of recreational opportunities, and the preservation of other aspects of environmental quality as per Section 4(3) of the protection, mitigation, and enhancement of fish and wildlife (including related spawning grounds and habitat), Exhibit B and the flow duration curves require revision to identify instantaneous minimum flows using gaging and operational records which reflect discharge from the Project.	No: See Applicant Response	Information submitted in Exhibit B, and flow duration curves, were developed using practices historically accepted by FERC. Mean daily flows were used in developing flow duration curves, and no prescriptive method is stated in CFR. Where applicable, flows are evaluated as part of study efforts, which are used to assess project operations. NMFS is performing its own analysis of flows for inclusion in the Biological Opinion issued for the downstream Augusta Project (FERC No. 11810). DESC is not required within its Project license application to perform a detailed analysis of flows, or counter-arguments thereto, proposed by NMFS for another proceeding.	
	City of Augusta	DLA Aug E-01	**1.3 Public Review and Comment:** As Augusta wrote on May 28, 2021, in reviewing relicensing filings available at FERC's elibrary and the Stevens Creek Relicensing website, stevenscreekrelicense.com. Augusta does not appear on the electronic distribution list which does include a large number of other governmental entities as well as professional environmental organizations and others.	Project distribution lists were revised accordingly following the receipt of the May 28, 2021 letter.	Corrections to city contacts were received within the May 28, 2021, filing, and were thereby amended for distributions moving forward in the process; however, it should be noted that the city of Augusta, as an entity, was included with the original NOI and PAD filing, as evidenced by the distribution list included therein.	
	City of Augusta	DLA Aug E-02	**1.3 Public Review and Comment:** Dominion Energy and Kleinschmidt did not respond to Augusta's comments and concerns.	Responses were provided within the filing of the DLA. See Applicant Response.	DESC provided responses to Augusta's May 28, 2021 letter. See Appendix E-2 of the DLA.	

	City of Augusta	DLA Aug E-03	**1.3 Public Review and Comment:** Accordingly, Augusta was excluded from a substantial amount of very important activities identified in Section 1 of Exhibit E. The exclusion is serious in light of the extraordinarily close proximity of the Stevens Creek project to Augusta, and its impact on Augusta's vital and life-sustaining water supply and other interests of the citizens of Augusta and their quality of life, economics and sustenance. As discussed in Augusta's cover letter to these comments, Augusta is a majority minority and socioeconomically depressed community protected by Federal law and specifically the policies and requirements of FERC under the FPA and in this proceeding. The applicant has also omitted altogether any consideration of Augusta's majority minority and socioeconomically depressed community interests in its environmental justice section of the Exhibit E, discussed below.	No: See Applicant Response	Comment noted. As noted in response to similar comments above, corrections to city contacts were received within the May 28, 2021, filing, and were thereby amended for distributions moving forward in the process; however, it should be noted that the city of Augusta, as an entity, was included with the original NOI and PAD filing, as evidenced by the distribution list included therein. Additionally, publications noticing the relicensing and filing of the NOI, PAD, and JAM were made in four separate newspapers, including the Augusta Chronicle. Pre-filing public meetings were held in Augusta, at Columbia County facilities located at the Augusta Diversion Dam, which diverts water for the Augusta Canal Hydroelectric Project (FERC No. 11810). DESC exercised significant due diligence in distributing documents, informing entities of the relicensing, and providing a forum for public comments well in advance of the filing deadlines. DESC believes the city of Augusta's continued insistence that they were excluded from the process is incorrect. Moreover, the scope of the Environmental Justice analysis has been assessed in accordance with the Stevens Creek Project's nexus. DESC feels confident that FERC will consider any impacts to Environmental Justice communities surrounding the Augusta Canal Hydroelectric Project (FERC No. 11810), within the context of the P-11810 proceeding.	
	City of Augusta	DLA Aug E-04	**3.1.1.6, Page 3-3 to 3-4: The Thurmond Dam is the furthest downstream project of three multiple purpose projects in the upper Document Accession #: 20230324-5343 Filed Date: 03/24/2023 Section 3 3-4 March 2023 Savannah River Basin operated by the Savannah District of USACE. Thurmond Dam and other two projects, Hartwell and Richard B. Russell, are operated to maximize the public benefits of hydroelectric power, flood damage reduction, recreation, fish and wildlife, water supply, and water quality.** Stevens Creek is identified as 'reregulating' discharges from Thurmond Dam in basinwide comprehensive documents, NEPA and other reviews. If Stevens Creek reregulates discharges for hydroelectric power, flood damage reduction, recreation, fish and wildlife, water supply, and water quality, then Stevens Creek should be added to this language and assessment of regulation effect and operations toward the resource benefits should be identified.	No: See Applicant Response	The purpose of the Exhibit E is not to analyze the potential impacts of all upstream USACE dams through a comprehensive and detailed analysis, although the Cumulative Effects section does discuss the upstream USACE projects. Exhibit E of this application provides an assessment of the proposed action on affected resources commensurate with the scope of the potential project effect.	
	City of Augusta	DLA Aug E-05	**3.1.1.6.3:** The generation schedule fails to provide for recent federal resource agency mandated minimum flows for the Augusta shoals. NMFS requires flows of up to 3,300 cfs as follows: Endangered Species Act which prescribe flows of up to 3,300 cfs instantaneous minimum flow to protect aquatic resources in the Augusta shoals, one mile downstream of the Stevens Creek dam: [Table not included]. Stevens Creek proposes to operate in accordance with the generation schedule below, even during the severe drought: [Table not included]. Table 3.1 does not provide related flow (cfs) for discharge and accordingly is insufficient to be able to analyze effects of project operations.	No: See Applicant Response	NMFS is performing its own analysis of flows for inclusion in the Biological Opinion issued for the downstream Augusta Project (FERC No. 11810). DESC is not required within its Project license application to perform a detailed analysis of flows, or counter-arguments thereto, proposed by NMFS for another proceeding.	
	City of Augusta	DLA Aug E-06	**3.1.1.6.4 Low Flow (4,000 - 4,200 cfs):** Operations in low flow conditions require minimum flows between 4,500 cfs and 6,000 cfs as follows: Canal inflows = 2,700 cfs; Shoals Flows (National Marine Fisheries Service): [Table not included].	No: See Applicant Response	See response to DLA Aug E-05, above.	
	City of Augusta	DLA Aug E-07	**3.1.1.6.5 Operation Conditions - Drought (Inflow of 3,800 cfs to 4,000 cfs.** Operations in drought conditions require minimum flows between 4,500 cfs and 6,000 cfs as follows: Canal inflows = 2,700 cfs; Shoals Flows (National Marine Fisheries Service): [Table not included].	No: See Applicant Response	See response to DLA Aug E-05, above.	
	City of Augusta	DLA Aug E-08	**3.1.1.6.6 Operating Conditions - Severe Drought (Inflow of Less Than 3,800 cfs).** Operations in severe drought conditions require minimum flows between 4,500 cfs and 6,000 cfs as follows: Canal inflows = 2,700 cfs; Shoals Flows (National Marine Fisher Service): [Table not included].	No: See Applicant Response	See response to DLA Aug E-05, above.	
	City of Augusta	DLA Aug E-09	**3.1.1.6.6 Operating Conditions - Severe Drought (Inflow of Less Than 3,800 cfs).** The applicant should not expect to continue generation in accordance with its normal operation during severe drought. Augusta's municipal water use is a life sustaining domestic use which takes precedence as a matter of law over power generation and accordingly Stevens Creek must be operated to sustain human life during such conditions, as a matter of Georgia law, Federal law, and conscience.	No: See Applicant Response	See response to DLA Aug IS-05, above. Given the nature of Augusta's statement, it should bear repeating that it is not DESC's obligation to make Augusta whole for the minimum instream flows the NMFS is proposing to require in Augusta's license for its Project No. 11810. DESC has no obligation under the FPA to mitigate the downstream impacts of Augusta's project, or to make Augusta whole for the loss of any consumptive water it may suffer as a condition of FERC granting Augusta a license.	
	City of Augusta	DLA Aug E-10	**4.1.5: The Augusta Project, located one mile downstream of the Stevens Creek Project, feeds water into the Augusta Canal, which supplies water for production at Sibly Mill, King Mill, and Graniteville Enterprise Division.** In section 4.1.4, Exhibit E recognizes correctly that "the Augusta Canal still provides drinking water to the city of Augusta, hydropower, and recreational opportunities." This statement is incorrect in omitting canal uses which include hydromechanical pumps, aesthetics, water supply including drinking water and other supply uses, as well as the identified recreational and tourism uses. Please add complete uses.	Yes: Exhibit E - Section 4.1.5.	The following was amended/added to section 4.1.4: Today, the uses provided by the Augusta Canal include operation of hydromechanical pumps, hydropower, water supply (which includes drinking water and other supply uses), aesthetics, and tourism and recreation opportunities	
	City of Augusta	DLA Aug E-11	**4.1.5: The Augusta Project, located one mile downstream of the Stevens Creek Project, feeds water into the Augusta Canal, which supplies water for production at Sibly Mill, King Mill, and Graniteville Enterprise Division.** The canal and diversion dam has been in place since 1845 please note their pre-existing use and status.	Yes: Exhibit E - Section 4.1.5.	Added the following to section 4.1.5: "The canal and the diversion dam of the Augusta Project have been in place since 1845."	

	City of Augusta	DLA Aug E-12	**4.1.5: The Augusta Project, located one mile downstream of the Stevens Creek Project, feeds water into the Augusta Canal, which supplies water for production at Sibly Mill, King Mill, and Graniteville Enterprise Division.** The term 'feeds water' is more correctly identified as 'divert' or 'diversion.' The diversion dam and canal have no active water control structures operating gravitationally to allow water to enter canal structures.	Yes: Exhibit E - Section 4.1.5.	In Section 4.1.5, changed " ***feeds*** water into the Augusta Canal" to " ***diverts*** water into the Augusta Canal"	
DLA	City of Augusta	DLA Aug E-13	**4.2 Cumulative Effects: Water quality may be cumulatively affected due to the re-regulation function of Stevens Creek Project operation in concert with upstream USACE releases from Thurmond Dam. This cumulative effect could be considered a net positive impact for downstream aquatic resources, as well as a potentially negative impact on water quality in some areas within the Stevens Creek Reservoir.** Please identify negative impacts on water quality. Additionally, there is no analysis of reregulation function benefits to downstream aquatic resources. See, e.g., . S.C. Elec. & Gas Co. , 73 F.E.R.C. P62,142, 64347 (F.E.R.C. November 22, 1995).	Yes: Exhibit E - Sections 4.4 and 4.5	DESC has evaluated potential project effects to water quality within Exhibit E, section 4.4 and aquatic resources in section 4.5.	
	City of Augusta	DLA Aug E-14	**4.2 Cumulative Effects: The geographic scope of a cumulative effects analysis may vary from resource to resource. As previously discussed, the Savannah River is highly reregulated with three USACE dams upstream of the Stevens Creek Project and two dams located downstream of the Stevens Creek Project. It is likely that the dams have cumulatively affected the fishery (anadromous fish species) in the Savannah River from the upstream-most USACE dam at Lake Hartwell to the NSBLD, 20 miles downstream. As water quality within the Stevens Creek Project vicinity is highly influenced by upstream Thurmond Dam operations, the geographic scope of cumulative impacts on water quality has been defined as extending from Thurmond Dam downstream to the NSBLD. The geographic scope of water quality also encompasses Stevens Creek from its confluence with the Savannah River to 12 miles upstream.** Please provide analysis of cumulative, and direct, indirect effects to the NSBLD 20 miles downstream.	Yes: Exhibit E - Sections 4.4 and 4.6	DESC has provided the background information in the respective affected environment sections necessary to support the effects analysis that follows each section, both in the proposed action and in cumulatively affected resources. DESC believes that there is sufficient analysis provided to analyze effects commensurate with potential impacts of the Stevens Creek Project.	
	City of Augusta	DLA Aug E-15	**4.2 Cumulative Effects: The temporal scope of the cumulative effects analysis includes a discussion of past, present, and future actions and their respective effects on each resource that could be cumulatively affected. Based on the potential term of any new licenses issued for a project, the temporal scope will last 30-50 years into the future, concentrating on the effects on the resources from reasonably foreseeable future actions.** Although acknowledged elsewhere in the Exhibit E, proposed fish passage and/or removal the NSBLD is a potential cumulative effect. Please include analysis.	Yes: Exhibit E - Sections 4.2 and 4.7	See response to DLA Aug E-14, above.	
	City of Augusta	DLA Aug E-16	**4.2 Cumulative Effects: The temporal scope of the cumulative effects analysis includes a discussion of past, present, and future actions and their respective effects on each resource that could be cumulatively affected. Based on the potential term of any new licenses issued for a project, the temporal scope will last 30-50 years into the future, concentrating on the effects on the resources from reasonably foreseeable future actions.** The potential future licensing of the Augusta Canal Project should also be included as a potential cumulative effect and analyzed.	No: See Applicant Response	DESC is not required within its Project license application to perform a detailed analysis of potential flows or other potential requirements of another FERC proceeding on behalf of another entity; especially, considering the downstream applicant's proceeding is still pending and the conditions which may be included in a future license, if issued, are unknown at this time.	
	City of Augusta	DLA Aug E-17	**4.2 Cumulative Effects: The temporal scope of the cumulative effects analysis includes a discussion of past, present, and future actions and their respective effects on each resource that could be cumulatively affected. Based on the potential term of any new licenses issued for a project, the temporal scope will last 30-50 years into the future, concentrating on the effects on the resources from reasonably foreseeable future actions.** The past licensing of the Avondale Mills, King Mills, and Sibley Mills hydropower project are elsewhere identified and should be included as cumulative effects along with analysis.	No: See Applicant Response	See response to DLA Aug E-14, above.	
	City of Augusta	DLA Aug E-18	**4.3 Geology and Soils:** The geographic scope of the analysis is not defined. If the project serves a reregulation function for Corps dam releases, as is stated repeatedly, then direct, indirect and cumulative effects extend beyond the project boundary and potential to the Savannah Harbor.	No: See Applicant Response	DESC has not identified Geology and Soils as a cumulatively affected resource.	
	City of Augusta	DLA Aug E-19	**4.3 Geology and Soils:** An operations analysis including instantaneous minimum flows (ref: S.C. Elec. & Gas Co. , 73 F.E.R.C. P62,124, 64347 (F.E.R.C. November 22, 1995), daily average, seasonal average, is required. The operations plan proposes to maintain operations with little to no change under all operating conditions (e.g. drought as well as normal flow). The scope of analysis needs to be adjusted to ensure adequate analysis of reregulation effects and benefits, and impacts to downstream resources including Augusta municipal water uses.	Exhibit B, in its entirety/Exhibit E, in its entirety	See response to DLA Aug IS-01, above.	
	City of Augusta	DLA Aug E-20	**4.4.1.3 Water Use: DESC operates the Stevens Creek Project to generate and re-regulate highly variable river flows discharged by the USACE from the Thurmond Dam by generating to approximate their average discharge.** Because Stevens Creek is a reregulation facility for Savannah River flows from USACE facilities which operate for, *inter alia* , water supply. In accordance with FPA Sections 4 and 10, the applicant is required to analyze the effects of its proposal on water supply: SEC. 10. All licenses issued under this Part shall be on the following conditions: (a)(1) That the project adopted, including all maps, plans, and specifications, shall be such as in the judgment of the Commission will be best adapted to a comprehensive plan for improving or developing a waterway or waterways for the use or benefit of interstate or foreign commerce, for the improvement and utilization of waterpower development, for the adequate protection, mitigation, and enhancement of fish and wildlife (including related spawning grounds and habitat), and for other beneficial public uses, including irrigation, flood control, **water supply**, and recreational and other purposes referred to in section 4(e); and if necessary in order to secure such plan the Commission shall have authority to require the modification of any project and of the plans and specifications of the project works before approval.	No: See Applicant Response	Comment noted.	

	City of Augusta	DLA Aug E-21	**4.4.1.3 Water Use: DESC operates the Stevens Creek Project to generate and re-regulate highly variable river flows discharged by the USACE from the Thurmond Dam by generating to approximate their average discharge.** The applicant should provide information on water withdrawals for Augusta and other facilities identified which depend upon Savannah River flows for water supply (the same comment applies as to adequate protection, mitigation, and enhancement of fish and wildlife (including related spawning grounds and habitat) and other beneficial uses including recreational and other purposes referred to in section 4(e).	Yes: Exhibit E - Section 4.4.1.3.	Section 4.4.1.3 includes information on water withdrawals in the Project vicinity.	
	City of Augusta	DLA Aug E-22	**4.4.1.3 Water Use: DESC operates the Stevens Creek Project to generate and re-regulate highly variable river flows discharged by the USACE from the Thurmond Dam by generating to approximate their average discharge.** Operations in low flow conditions require minimum flows between 4,500 cfs and 6,000 cfs as follows: Canal inflows = 2,700 cfs; Shoals Flows (National Marine Fisheries Service): [Table not included].	No: See Applicant Response	See response to DLA Aug E-05, above.	
	City of Augusta	DLA Aug E-23	**4.4.2.1 Proposed Action:** Augusta agrees with resource agencies which have provided comment that dissolved oxygen water quality monitoring is necessary, however, it is not complete. As Augusta wrote May 28, 2021, water quality studies are necessary downstream to the NSBLD due to Stevens Creek reregulation function and its impacts on flows, pool elevation, aquatic resources downstream. Augusta wrote that the applicant limited data collection to the area immediately downstream of the Stevens Creek Dam which is insufficient for the purpose of assessing direct, indirect, and cumulative effects of project operations. Augusta also pointed out substantial temperature variation with potential effect on aquatic life some distance downstream of the Stevens Creek discharge. Augusta recommended additional monitors downstream, and seasonal data collection. This is in addition to flow and downstream effect studies identified by Augusta as necessary. See Attachment A; see also notes of July 2022 meeting.	No: See Applicant Response	DESC believes the monitoring it has performed adequately characterizes the Project's effects on water quality. It would be outside the purview of this relicensing to study the effects of the Augusta Diversion Dam, Augusta Canal, New Savannah Bluff Lock & Dam, municipal and industrial water dischargers on the Savannah River downstream of the Project. As demonstrated in the 2021 study, DO levels increase as a result of passage through the Stevens Creek Project Powerhouse and spillway.	
	City of Augusta	DLA Aug E-24	**4.4.2.1 Proposed Action:** Dominion Energy cites FERC's 2012 guidance as a basis to NOT conduct studies. FERC's "A Guide to Understanding and Applying the Integrated Licensing Process Study Criteria" (FERC, March 2012). While this process is the TLP process not the ILP process, that guidance actually supports additional water quality as well as flow studies for the Stevens Creek project. In FERC's "A Guide to Understanding and Applying the Integrated Licensing Process Study Criteria" (FERC, March 2012), FERC provides an example of nexus, or direct, indirect, and cumulative effects of a relicensing action as follows: "If one of the factors leading to the listing of the fish has been the loss of spawning habitat, the study proponent could easily demonstrate a nexus between the presence of the fish or its habitat downstream of the project and the project's effect on spawning habitat due to fluctuating flows from its peaking operation" FERC's "A Guide to Understanding and Applying the Integrated Licensing Process Study Criteria" (FERC, March 2012 at 4-5. FERC's guidance states that a study of flows from peaking operations could result in license measures such as "modifications in timing and magnitude of releases or habitat improvements in the affected reach" and states "spawning habitat" may be a cumulatively affected resource such that the "project specific information would help staff conduct its cumulative effects analysis." FERC's guidance states that a study of flows from peaking operations could result in license measures such as "modifications in timing and magnitude of releases or habitat improvements in the affected reach" and states "spawning habitat" may be a cumulatively affected resource such that the "project specific information would help staff conduct its cumulative effects analysis." FERC's "A Guide to Understanding and Applying the Integrated Licensing Process Study Criteria" (FERC, March 2012) at 5. FERC's guidance goes on to state - just as Augusta did on May 28, 2022 - that 'the geographic scope of the study request not only includes the mainstem of the river below the dam, but also upstream and downstream tributaries and the upstream river reach." FERC's "A Guide to Understanding and Applying the Integrated Licensing Process Study Criteria" (FERC, March 2012) at 5. As FERC's 2012 guidance states, because of potential spawning of protected species there is a nexus to project operations and associated studies. The Stevens Creek project changes water quality by acting as a sediment trap removing organic material and conductance from water, potentially effects water temperature, definitely affects flow velocities and depth, may change dissolved oxygen and/or supersaturate waters to the detriment of sturgeon eggs and juveniles. None of these has been studied in contravention of the requirements of Section 4 and 10 of the FPA, and NEPA.	No: See Applicant Response	DESC believes the studies performed during the relicensing process adequately characterize the effects of the Stevens Creek Project. It should also be noted that the city of Augusta's comments and study requests were received well after the 60-day deadline for requests for additional studies had closed (November 2, 2020). DESC exercised significant due diligence in distributing documents, informing entities of the relicensing, and providing a forum for public comments well in advance of the filing deadlines. The city of Augusta's study requests were filed after study mobilization and field efforts had already begun for both the Recreation Use and Needs and 2021 Water Quality studies, thus emphasizing the importance of regulatory deadlines.	
DLA	City of Augusta	DLA Aug RTE-01	**4.2.7: Historically, Atlantic Sturgeon migrated through the Savannah River to reach spawning or rearing grounds at the Augusta Shoals.** Please provide citation. Please describe and quantify flow reregulation requirements to result in lack of adverse effect. Describe whether and how peaking or variable instantaneous minimum flows effect the species, and associated habitat stability in the Augusta shoals. S.C. Elec. & Gas Co. , 73 F.E.R.C. P62,124, 64347 (F.E.R.C. November 22 1995).	No: See Applicant Response	NMFS 2023 Draft Biological Opinion for the Augusta Canal Hydroelectric Project and citations within (Duncan et al. 2003, Marcy et al. 2005, USFWS 2003, Wrona et al. 2007) provide support that sturgeon historically occupied the area prior to anthropogenic modifications on the Savannah River. The RTE Whitepaper was provided in the PAD and has since been finalized.	
DLA	City of Augusta	DLA Aug RTE-02	**4.2.7: Historically, Atlantic Sturgeon migrated through the Savannah River to reach spawning or rearing grounds at the Augusta Shoals.** In 2017, the National Marine Fisheries Service and United States Fish and Wildlife Service determined that the area including the Augusta shoals was not occupied by Atlantic sturgeon or Shortnose sturgeon, and declined to identify the location as critical habitat for Atlantic sturgeon. Final critical habitat designation, 82 FR 39160 (Aug. 17, 2017). The shoals are also not critical habitat for Shortnose sturgeon.	No: See Applicant Response	Comment noted. Sturgeons are not currently occupying the Augusta Shoals and as such there is no designated critical habitat. However, the Augusta Shoals were historically available to sturgeons and represents an estimated 90-95% of the high quality sturgeon habitat in the Savannah River (Duncan et al. 2003, Marcy et al. 2005, USFWS 2003, Wrona et al. 2007) as cited in NMFS 2023 Draft Biological Opinion for the Augusta Canal Hydroelectric Project.	

DLA	City of Augusta	DLA Aug RTE-03	**4.2.7: Historically, Atlantic Sturgeon migrated through the Savannah River to reach spawning or rearing grounds at the Augusta Shoals.** The National Marine Fisheries recently issues a draft Biological Opinion regarding *Acipenser oxyrinchus oxyrinchus (Atlantic sturgeon)* and *Acipenser brevirostrum (Shortnose sturgeon)* . See April 23, 2023 Draft Biological Opinion ("Draft BO") regarding the Augusta Diversion Dam ("ADD") proceeding P-11810 submitted to the Director of Hydropower Licensing, Federal Energy Regulatory Commission, by the National Oceanic and Atmospheric Administration National Marine Fisheries Service ("NMFS") on April 24, 2023; Accession # 20230425-5103. The document identifies aspects of the area immediately downstream of the Stevens Creek project and states that 100% of sturgeon entering this area will be taken due to lack of adequate flow. The applicant should cite this information and condition in the Exhibit E. This document also states sturgeon migrated to the shoals but does not provide citation and should not be referenced as a citation source.	No: See Applicant Response	Comment noted. This RTE Whitepaper was provided in the PAD and has been finalized. However, the NMFS 2023 BO has been cited in the Exhibit E, where appropriate.	
DLA	City of Augusta	DLA Aug RTE-04	**4.2: Similar to the Atlantic Sturgeon, Shortnose Sturgeon historically migrated through the Savannah River to reach spawning or rearing grounds at the Augusta Shoals.** Please provide citation. Please describe and quantify flow reregulation requirements to result in lack of adverse effect. Describe whether and how peaking or variable instantaneous minimum flows effect the species, and associated habitat stability in the Augusta shoals. Ref. S.C. Elec. & Gas Co. , 73 F.E.R.C. P62,124, 64347 (F.E.R.C. November 22, 1995).	No: See Applicant Response	NMFS 2023 Draft Biological Opinion for the Augusta Canal Hydroelectric Project and citations within (Duncan et al. 2003, Marcy et al. 2005, USFWS 2003, Wrona et al. 2007) provide support that sturgeon historically occupied the area prior to anthropogenic modifications on the Savannah River.	
DLA	City of Augusta	DLA Aug RTE-05	**4.2: Similar to the Atlantic Sturgeon, Shortnose Sturgeon historically migrated through the Savannah River to reach spawning or rearing grounds at the Augusta Shoals.** See comments as to Shortnose sturgeon above.	No: See Applicant Response	See response to comment Code DLA Aug RTE-04.	
	City of Augusta	DLA Aug E-25	**4.3 Geology and Soils: 4.3.2 Environmental Effects: DESC has held stakeholder meetings to scope resource issues from 2018 through present. The group discussed issues relating to sedimentation within the Stevens Creek project reservoir and whether this is a resource issue to be addressed within the context of relicensing.** This comment is also applicable to Section 4.4.2, 4.5.2, 4.6.2 4.7.2, 4.8.2, 4.9.2, 4.10.2, 4.11.2, and 4.12.2. The reference to stakeholder meetings omits stakeholder comments and requests for studies and identification of issues. As Augusta wrote on May 28, 2021, Augusta appears to have been omitted from early stakeholder meetings. Augusta's May 28, 2021 study requests and issue identification and recommendations were not accepted and the applicant provided no response. Section 4.3.2 by no means includes the totality of environmental effects. Please see Augusta's comment letter and this Attachment for additional details.	Yes: Exhibit E, Section 1.3.2.	Comments and study requests from the city of Augusta were received well after the 60-day deadline for requests for additional studies had closed (November 2, 2020). Corrections to city contacts were received within the May 28, 2021, filing, and were thereby amended for distributions moving forward in the process; however, it should be noted that the city of Augusta, as an entity, was included with the original NOI and PAD filing, as evidenced by the distribution list included therein. Additionally, publications noticing the relicensing and filing of the NOI, PAD, and JAM were made in four separate newspapers, including the Augusta Chronicle. Pre-filing public meetings were held in Augusta, at Columbia County facilities located at the Augusta Diversion Dam, which diverts water for the Augusta Canal Hydroelectric Project (FERC No. 11810). DESC exercised significant due diligence in distributing documents, informing entities of the relicensing, and providing a forum for public comments well in advance of the filing deadlines. The city of Augusta's study requests were filed after study mobilization and field efforts had already begun for both the Recreation Use and Needs and 2021 Water Quality studies, thus emphasizing the importance of regulatory deadlines. City of Augusta personnel were in attendance to resource group meetings held after May 28, 2021, wherein their comments were heard. Additionally, DESC provided formal written responses to the City's May 28, 2021 letter in the DLA. DESC believes the city of Augusta's continued insistence that they were not informed of the relicensing, therefore justifying their untimely filing of study requests, is incorrect.	
	City of Augusta	DLA Aug E-26	**4.3 Geology and Soils: 4.3.2 Environmental Effects: DESC has held stakeholder meetings to scope resource issues from 2018 through present. The group discussed issues relating to sedimentation within the Stevens Creek project reservoir and whether this is a resource issue to be addressed within the context of relicensing.** This comment is also applicable to Section 4.4.2, 4.5.2, 4.6.2 4.7.2, 4.8.2, 4.9.2, 4.10.2, 4.11.2, and 4.12.2. The applicant chose to use the Traditional Licensing Process, which FERC warned provides for less stakeholder and resource agency participation and resolution of complex issues than the Integrated Licensing Process, or the Alternative Licensing Process. See FERC, Hydroelectric Licensing Under the Federal Power Act, 68 Fed. Reg. 51,070 (Aug. 25, 2003); S.Layman, F.Springer and D.Moore, Selecting a Licensing Process: Which Approach is Best for Your Project? Hydro Review, October 2006. [Table not included]	No: See Applicant Response	The FERC approved of DESC's request to utilize the TLP on July 16, 2020. Moreover, the use of the TLP was well supported by resource agencies, as evidenced by letters of support filed with the PAD.	
	City of Augusta	DLA Aug E-27	**4.3 Geology and Soils: 4.3.2 Environmental Effects: DESC has held stakeholder meetings to scope resource issues from 2018 through present. The group discussed issues relating to sedimentation within the Stevens Creek project reservoir and whether this is a resource issue to be addressed within the context of relicensing.** This comment is also applicable to Section 4.4.2, 4.5.2, 4.6.2 4.7.2, 4.8.2, 4.9.2, 4.10.2, 4.11.2, and 4.12.2. Augusta has been excluded from other resource agency and governmental entity meetings, which Augusta was not aware of until this DLA and Exhibits were publicly filed. These are collective resources and the decision to separate issues and information results necessarily in addition time and effort in resolving complex environmental, water resource, and hydroelectric licensing issues, as FERC clearly warned and authors with experience in licensing underscored. Layman et al. FERC, Hydroelectric Licensing Under the Federal Power Act, 68 Fed. Reg. 51,070 (Aug. 25, 2003).	No: See Applicant Response	It should be noted that City of Augusta personnel and counsel have attended Stevens Creek Project relicensing meetings subsequent to the receipt of the May 28, 2021 comments and prior to the issuance of the DLA.	
	City of Augusta	DLA Aug E-28	**4.3.3: Bartram's Bass inhabiting the Savannah River downstream of the Project would likely benefit from flow reregulation resulting habitat stability in the Augusta Shoals.** Please provide citation; please describe and quantify flow reregulation requirements to result in habitat suitability. Ref. S.C. Elec. & Gas Co. , 73 F.E.R.C. P62,124, 64347 (F.E.R.C. November 22, 1995).	No: See Applicant Response	Flow reregulation requirements were clarified and provided in Exhibit B. A description of re-regulation operations as a benefit to downstream habitat and water users was provided in Exhibit E. In summary, flow reregulation reduces fluctuations in water depths and velocities, providing a more stable environmental for aquatic fauna.	

	City of Augusta	DLA Aug E-29	**4.3.8: Continued Project operations are not expected to adversely affect the species since the Project reregulates large pulses from Thurmond Dam, providing increased flow and associated habitat stability in the Augusta Shoals and further downstream.** Please describe and quantify flow reregulation requirements to result in lack of adverse effect. Describe whether and how peaking or variable instantaneous minimum flows effect the species, and associated habitat stability in the Augusta shoals. Ref. S.C. Elec. & Gas Co. , 73 F.E.R.C. P62,124, 64347 (F.E.R.C. November 22, 1995).	No: See Applicant Response	A description of re-regulation operations as a benefit to downstream habitat and water users was provided in Exhibit E. In summary, flow reregulation reduces fluctuations in water depths and velocities, providing a more stable environment for aquatic fauna.	
	City of Augusta	DLA Aug E-30	**4.4.2 Environmental Effects: The City of Augusta, SCDNR and GADNR provided specific written comments regarding water quality and quantity in response to the PAD and proposed study plans, which are further detailed in Appendix E-2 - Stakeholder Comment Matrix.** Augusta provided the subject comments on May 28, 2021. See Attachment A. No response was received for over 2 years until this DLA and Exhibits. Further response is set forth in response to E-2, below. The National Marine Fisheries recently issues a draft Biological Opinion outlining deficiencies in flows for in the shoals for the successful spawning and migration of *Acipenser oxyrinchus oxyrinchus (Atlantic sturgeon)* and *Acipenser brevirostrum (Shortnose sturgeon).* See April 23, 2023 Draft Biological Opinion ("Draft BO") regarding the Augusta Diversion Dam ("ADD") proceeding P-11810 submitted to the Director of Hydropower Licensing, Federal Energy Regulatory Commission, by the National Oceanic and Atmospheric Administration National Marine Fisheries Service ("NMFS") on April 24, 2023; Accession # 20230425-5103. The document identifies aspects of the area immediately downstream of the Stevens Creek project and states that 100% of sturgeon entering this area will be taken due to lack of adequate flow. Water resources effects include peaking and low flows impacting the Augusta shoals and downstream areas, as well as downstream water supply. Operations in low flow conditions require minimum flows between 4,500 cfs and 6,000 cfs as follows: Canal inflows = 2,700 cfs; Shoals Flows (National Marine Fisheries Service): [Table not included]. Augusta proposed studies of water quality and water supply and renews those requests.	No: See Applicant Response	These statements have been reiterated throughout the city of Augusta's comment letter. Please see responses to DLA Aug E-25, DLA Aug RTE-03, DLA Aug E-24, and DLA Aug B-02.	
	City of Augusta	DLA Aug E-31	**4.5.1.3 Migratory Fishes: Negotiations between the USFWS and NMFS and the City of Augusta are ongoing and construction of the fishway has not been initiated.** NMFS withdrew fishway prescriptions and therefore are no ongoing negotiations. On April 21, 2023, the National Marine Fisheries wrote that a fishway at the Augusta Diversion Dam will 'take' 3.13 Shortnose sturgeon per year, and 0.508 Atlantic sturgeon per year, which appears to be a lethal take determination, such structure will never be built because doing so would constitute a violation of the ESA subject to civil and criminal penalty. See April 23, 2023 Draft Biological Opinion ("Draft BO") regarding the Augusta Diversion Dam ("ADD") preceding P-11810 submitted to the Director of Hydropower Licensing, Federal Energy Regulatory Commission, by the National Oceanic and Atmospheric Administration National Marine Fisheries Service ("NMFS") on April 24, 2023; Accession # 20230425-5103 Table 19.	Yes: Exhibit E - Section 4.5.1.3.	Comment noted. Statement regarding negotiations has been revised.	
	City of Augusta	DLA Aug E-32	**4.5.1.3 Migratory Fishes: Negotiations between the USFWS and NMFS and the City of Augusta are ongoing and construction of the fishway has not been initiated.** In 2017, the National Marine Fisheries Service and United States Fish and Wildlife Service determined that the area including the Augusta shoals was not occupied by Atlantic sturgeon or Shortnose sturgeon, and declined to identify the location as critical habitat for Atlantic sturgeon. Final critical habitat designation, 82 FR 39160 (Aug. 17, 2017). The shoals are also not critical habitat for Shortnose sturgeon.	No: See Applicant Response	Comment noted.	
	City of Augusta	DLA Aug E-33	**4.5.1.3 Migratory Fishes: Negotiations between the USFWS and NMFS and the City of Augusta are ongoing and construction of the fishway has not been initiated.** The National Marine Fisheries recently issues a draft Biological Opinion regarding *Acipenser oxyrinchus oxyrinchus (Atlantic sturgeon)* and *Acipenser brevirostrum (Shortnose sturgeon).* See April 23, 2023 Draft Biological Opinion ("Draft BO") regarding the Augusta Diversion Dam ("ADD") proceeding P-11810 submitted to the Director of Hydropower Licensing, Federal Energy Regulatory Commission, by the National Oceanic and Atmospheric Administration National Marine Fisheries Service ("NMFS") on April 24, 2023; Accession # 20230425-5103. The document identifies aspects of the area immediately downstream of the Stevens Creek project and states that 100% of sturgeon entering this area will be taken due to lack of adequate flow. The applicant should cite this information and condition in the Exhibit E. This document also states sturgeon migrated to the shoals but does not provide citation and should not be referenced as a citation source.	Yes: Exhibit E - Section 4.5.1.3.	Comment noted. Citations added.	
	City of Augusta	DLA Aug E-34	**4.5.2 Environmental Effects:** The applicant has failed to analyze effects on fisheries resources in the Augusta shoals and areas downstream of the project. Although the applicant recognizes efforts to pass addresses *Acipenser oxyrinchus oxyrinchus (Atlantic sturgeon)* and *Acipenser brevirostrum (Shortnose sturgeon)* upstream to the shoals, the applicant has not assessed impacts of flows, habitat, habitat needs, velocities, depths, temperature, water quality and other aspect.	No: See Applicant Response	Studies conducted and presented within the Exhibit E described the effects of the Stevens Creek Project on subjects such as habitats, aquatic fauna, and water quality as it flows from Thurmond (and Stevens Creek) to the Stevens Creek Dam.	
	City of Augusta	DLA Aug E-35	**4.5.2 Environmental Effects:** The National Marine Fisheries recently issues a draft Biological Opinion outlining deficiencies in flows for in the shoals for the successful spawning and migration of *Acipenser oxyrinchus oxyrinchus (Atlantic sturgeon)* and *Acipenser brevirostrum (Shortnose sturgeon).* See April 23, 2023 Draft Biological Opinion ("Draft BO") regarding the Augusta Diversion Dam ("ADD") proceeding P-11810 submitted to the Director of Hydropower Licensing, Federal Energy Regulatory Commission, by the National Oceanic and Atmospheric Administration National Marine Fisheries Service ("NMFS") on April 24, 2023; Accession # 20230425-5103. The document identifies aspects of the area immediately downstream of the Stevens Creek project and states that 100% of sturgeon entering this area will be taken due to lack of adequate flow. The applicant should cite this information and condition in the Exhibit E.	Yes: Exhibit E	Comment noted. Draft BO has been cited in appropriate areas.	
	City of Augusta	DLA Aug E-36	**4.5.2.1 Proposed Action: As discussed previously, the City of Augusta is in negotiations with the USFWS and NMFS to construct a working fish passage at the Augusta Project.** NMFS withdrew fishway prescriptions and therefore there are no ongoing negotiations. On April 21, 2023, the National Marine Fisheries wrote that a fishway at the Augusta Diversion Dam will 'take' 3.13 Shortnose sturgeon per year, and 0.508 Atlantic sturgeon per year, which appears to be a lethal take determination, such structure will never be built because doing so would constitute a violation of the ESA subject to civil and criminal penalty. Accession # 20230425-5103, National Marine Fisheries Service Draft BO, at 113, Table 19.	Yes: Exhibit E - Section 4.5.2.1.	Comment noted. Statement regarding negotiations has been revised.	

DLA	City of Augusta	DLA Aug E-37	**4.7.2 Environmental Effects:** The list of affected species and RTE species white paper is deficient in omitting *Acipenser oxyrinchus oxyrinchus (Atlantic sturgeon)* and *Acipenser brevirostrum (Shortnose sturgeon),* and omitting any other species or assemblage in the shoals downstream and including to the NSBLD.	Yes: Exhibit E - Section 4.7.2.	Species list was developed with resource agencies with purview, which omitted some species based on their existing occurrence within the immediate vicinity of the Project. The RTE Whitepaper was provided with the PAD and has since been closed out. However, references to possible RTE species presence at the Augusta Shoals were expanded in the FLA to include additional possible RTE species presence at the NSBLD. These species include Bartram's bass, Roanoke slabshell, and robust redhorse, which are addressed in the Exhibit E and the Aquatic Habitat Whitepaper.	
DLA	City of Augusta	DLA Aug E-38	**4.7.2 Environmental Effects:** Environmental effects are deficient in failing to assess effects of project peaking operations and flows. NMFS has determined that 100% of sturgeon entering the area immediately downstream of the Stevens Creek dam, including the shoals 1 mile from the dam, will be taken as per the ESA due to lack of adequate flow. The applicant should cite this information and condition in the Exhibit April 23, 2023 Draft Biological Opinion ("Draft BO") regarding the Augusta Diversion Dam ("ADD") proceeding P-11810 submitted to the Director of Hydropower Licensing, Federal Energy Regulatory Commission, by the National Oceanic and Atmospheric Administration National Marine Fisheries Service ("NMFS") on April 24, 2023;	No: See Applicant Response	The re-regulation function of the project under current and proposed operations is well described throughout Exhibits, as it was in the DLA. Citations to the NMFS BO have been incorporated into license application documents where appropriate and germiane to the license proceeding at hand, or in describing the surrounding environment and resources. As previously noted, the city of Augusta is responsible for mitigating its own project impacts and DESC is not responsible to provide a detailed analysis of flows, or counter-arguments thereto, proposed by NMFS for the P-11810 proceeding.	
	City of Augusta	DLA Aug E-39	**4.8.2 Environmental Effects:** The environmental effects identification and analysis is deficient due to omission of identification of recreation resources downstream including the Augusta water front, 5th Street Bridge project, canal, canal walk, historic canal boating, and recreational events and facilities in Augusta.	No: See Applicant Response	The Recreation Use and Needs (RUN) Study was developed in consultation with resource agencies with purview over recreation within the Stevens Creek Project boundary. Regional resources are summarized in Section 3.2, which includes those within counties that the Stevens Creek Project occupies.	
DLA	City of Augusta	DLA Aug E-40	**4.9.1 Affected Environment:** The Area of Potential Effect is deficient for failure to include Augusta listed historic resources that are affected by Stevens Creek peaking operation flows and discharges.	No: See Applicant Response	The Area of Potential Effect for the Project was consulted with and approved by the SC SHPO and GA HPD, the agencies with purview over cultural and historical resources in the area. As an additional note, Stevens Creek does not conduct peaking operations. The re-regulation function of the project is discussed in Exhibit B and Exhibit E.	
DLA	City of Augusta	DLA Aug E-41	**4.9.1 Affected Environment:** Augusta Canal and Industrial District is a National Historic Landmark. Augusta Canal is a National Heritage Area which was designated by Congress in 1996 and includes the Savannah River including portions of the Savannah River which may include areas up to or within the project boundary. Given the regulation function of Stevens Creek, and these water dependent listed historic resources, the area of potential effect identified by the applicant is incorrect and overly narrow, and must be extended to those areas in which reregulation would affect the nature and character of historic resources including visual effects as prescribed by NHPA regulations and FPA provisions. The Augusta Canal is also a Regionally Important Resource recognized by the Georgia Department of Community Affairs (and is the only resource in Georgia with this designation). The resource extends to areas which we believe are within the project boundary for this relicensing, however the resource effects are not assessed. The DLA and Exhibits do not assess effects on the Augusta Canal and Industrial District, and National Heritage Area, or other resources.	No: See Applicant Response	The APE for the Project was consulted with and approved by the SC SHPO and GA HPD, the agencies with purview over cultural and historical resources in the area.	
DLA	City of Augusta	DLA Aug E-42	**4.9.1 Affected Environment:** It appears that the licensee has not distributed license information to the Augusta Canal Authority or Georgia Department of Community Affairs. Both are State agencies within the purview of the FPA and should be provided information and opportunity to comment and propose measures, terms and conditions to protect historic resources under their purview.	No: See Applicant Response	Thank you for your comment. Both the Georgia Department of Community Affairs, specifically the Historic Preservation Division, and South Carolina Department of Archives and History, state agencies with purview over historic resources in the area, have been involved in the relicensing of the Stevens Creek Project to date. The Augusta Canal Authority's purview does not extend into the Project boundary. However, DESC has added the Augusta Canal Authority to its consultation list, having received the first filing from the entity expressing interesting as of comments filed to the DLA.	
DLA	City of Augusta	DLA Aug E-43	**4.9.1 Affected Environment:** The Historic Properties Management Plan ("HPMP") is repeatedly referenced as a mitigation, enhancement and protection measure for historic resources from project and license effects, however the HPMP was not provided for public comment as part of the draft DLA and Exhibits. It appears that the HPMP requires updating due to changes in historic resources, changes in basin comprehensive planning and flow, and to address proposed license condition and their effects on historic resources.	No: See Applicant Response	The HPMP is being revised in consultation with Tribes and state agencies with purview over historic and cultural resources within the Project Area of Potential Effect. The HPMP is a privileged document that will not be made available for public comment.	
DLA	City of Augusta	DLA Aug E-44	**4.10 Affected Environment: 4.10.1.1 Land Use and Management Adjacent to the Project Boundary:** Table 4.23 appears to be limited to upland uses and excludes Augusta's vast water related uses. Due to the importance of water related uses, and the Stevens Creek projects impacts on such uses, we recommend including in a different section or explanation in this section Augusta's vast water uses included recreation and water supply.	No: See Applicant Response	Table 4.23 includes the exact information as is provided in the referenced document: the Envision Augusta Comprehensive Plan (2035).	

DLA	City of Augusta	DLA Aug E-45	**4.12 Environmental Justice:** The applicant has failed to properly apply environmental justice community identification as required by Title VI of the Civil Rights Act, 42 U.S.C. 2000d, et seq.; *see also* Executive Order 12898 Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Population (Feb. 1994) and 2023 Executive Order on Revitalizing Our Nation's Commitment to Environmental Justice for All (Apr. 21, 2023). Please use the White House and U.S. EPA Environmental Justice mapping. Among the designations, part of Augusta are in the 99th percentile of low income and majority minority (black) populations.	No: See Applicant Response	The methods conducted for this analysis were taken from guidance provided by FERC in several recent AIRs and comments on DLAs. A one mile geographic scope was recommended for EJ community identification, which is appropriate especially considering no new construction is proposed and the licensee is not proposing changes to operations. In FERC's guidance they reference methods included in the USEPA's *Promising Practices for EJ Methodologies in NEPA Reviews (2016)* . These methods were accurately followed for the Project analysis.	
DLA	City of Augusta	DLA Aug E-46	**4.12 Environmental Justice:** Specifically, although the applicant acknowledges that it reregulates Augusta's water supply, no impacts to Augusta's minority majority and socioeconomically depressed communities is identified. Use of a one mile radius while at the same time acknowledging reregulation of the Savannah is improper and avoids true analysis of environmental justice impacts and effects. Stevens Creek must discharge, continuously sufficient water to ensure that the majority minority and socioeconomically depressed downstream Augusta communities are not disparately burdened by its power generation and revenue generation activities.	No: See Applicant Response	See Applicant Response for Comment Code DLA Aug E-45, above.	
DLA	City of Augusta	DLA Aug E-47	**4.12 Environmental Justice:** Use of a one mile radius is unsupported by the above referenced guidelines and standards.	No: See Applicant Response	See Applicant Response for Comment Code DLA Aug E-45, above.	
DLA	City of Augusta	DLA Aug E-48	As the Savannah River comprehensive Final Environmental Assessment and Finding of No Significant Level 4 Drought Operations, Savannah River Basin, and numerous other studies, conclude, "the flow regime in Augusta Shoals is controlled by flow releases from Thurmond Dam, reregulation of flows at Stevens Creek Dam, and the diversion of water into the Augusta Canal by the City of Augusta at the Augusta Diversion Dam." Final Environmental Assessment and Finding of No Significant Impact Level 4 Drought Operations.	No: See Applicant Response	Comment noted.	
DLA	City of Augusta	DLA Aug E-49	The NMFS Draft BO states that 100% of sturgeon will be taken in violation of the ESA unless specific instantaneous flow targets are met. However, Thurmond and Stevens Creek have no requirements to support flows in the Augusta shoals, at all.	No: See Applicant Response	See response to DLA Aug IS-05	
DLA	City of Augusta	DLA Aug E-50	The USACE's Thurmond project is one of the largest reservoirs east of the Mississippi with 2,549,000 acre-feet of storage. USACE's water management system actually includes Thurmond, Lake Russell, and Lake Hartwell with over 6 million acre feet of storage, or nearly 2 trillion gallons. 6 As stated by NMFS in the BO and otherwise universally acknowledged, Augusta has no usable storage in the ADD or canal, and no useable storage at all. BO at 149. Nevertheless, NMFS requires Augusta to guarantee - under financial penalty under the FPA of up to $ 27,017 per day per violation and potential criminal penalty under the ESA - 3,300 cfs of flow in Augusta shoals which amounts to 2,132 million gallons per day (MGD) of water flow which Augusta does not have, required to subtract from Augusta's vested water needs for its citizens.7 [Table not included]	No: See Applicant Response	See response to DLA Aug IS-05.	
DLA	City of Augusta	DLA Aug E-51	Stevens Creek regularly manages the 34,000 cfs flows from Thurmond producing hydropower using 8,300 cfs, and storing the remainder in its 23,600-acre feet of storage yet has no requirement to operate to support aquatic life or flows in the shoals.	No: See Applicant Response	Downstream aquatic life benefits of re-regulation have been well documented in the project record.	
DLA	City of Augusta	DLA Aug E-52	The table below summarizes the storage and hydraulic capabilities of the Thurmond, Stevens Creek, and Augusta facilities. [Table not included]	No: See Applicant Response	Comment noted.	
DLA	City of Augusta	DLA Aug E-53	The DLA and Exhibits propose no minimum flow, and no changes in flow, generation, or operation regardless of whether the Savannah Basin is in High Flow or Severe Drought conditions. The EA states that Stevens Creek "will continue to generate in accordance with the schedule in Table 3.1 to approximate the scheduled daily average discharge from Thurmond Dam" regardless of inflow condition: "Severe Drought," (less than 3,800 cfs), "Drought" "Low Flows" Normal Flows" and "High Flows". Exhibit E, Draft Environmental Assessment. While unclear, Stevens Creek appears to plan to continue to discharge based upon its generation schedule, not for aquatic life purposes, even in severe drought. Id.; see also Operating Plan Revision 3, Accession # 20180607-5113. Stevens Creek relicensing documents and FERC approved Operating Plan do not provide for a minimum flow, but rather Stevens Creek "approximates" scheduled daily average discharge from Thurmond Dam, which Stevens Creek points out can be 3100 cfs during Severe Drought. As Thurmond's discharge may be zero instantaneously, and for many hours in a day, so may Stevens Creek. The Draft BO includes no acknowledgment of this fact, nor has NMFS done anything to address the issue. Moreover, Stevens Creek FERC license requires it release within ±15% of the average daily SEPA declaration at the J. Strom Thurmond Dam, such that Stevens Creek may actually lawfully release less water than it receives from Thurmond (and may also hold back inflows from tributaries such as Stevens Creek).	No: See Applicant Response	Comment noted. Please see detailed descriptions of project operations within license exhibits including discussions on how the project operates during drought, low flow and high flow conditions.	
	City of Augusta	DLA Aug E-54	Dominion Energy is required as a re-regulating entity to re-regulate Savannah River discharges from the Corps so as to support Augusta's water supply. Dominion Energy must include impacts to Augusta's majority minority and socioeconomic communities as a result of its operations at the Stevens Creek project as well as flows necessary to address fish and wildlife requirements under Sections 4(e) and 10 of the FPA. Part of the assessment must include the respective balancing of hydroelectric generation and the substantial realized revenues with the environmental justice community needs, any increase rates or expenses due to Stevens Creek operations and unavailability of water during low flows or drought, and fish and wildlife needs and balancing under the FPA.	No: See Applicant Response	See response to Augusta comment IS-05, above.	
DLA	City of Augusta	DLA Aug E2-01	The stakeholder consultation matrix is misleading. Augusta provided written comments over two years ago on May 28, 2021 and the first response is the March 24, 2023 Appendix E-2 to Exhibit E.	No: See Applicant Response	See response to Augusta comment E-03, above.	
DLA	City of Augusta	DLA Aug E2-02	Augusta wrote that at that time, the applicant's proposal was unclear regarding the scope of operational flow assessment for the relicensing environmental documentation and asked for additional information.	No: See Applicant Response	See response to Augusta comment E-03, above.	
DLA	City of Augusta	DLA Aug E2-03	Augusta further detailed need for studies and assessment of flow impacts downstream of the Stevens Creek dam due to its reregulation function: [text not included] Augusta May 28, 2021 Comments at pages 2-3. These comments provide an explicit geographic scope, specific type of studies, and specific effects and issues. Augusta has never received a response or been engaged in any dialogue regarding these matters.	No: See Applicant Response	See response to Augusta comment E-03, above.	

DLA	City of Augusta	DLA Aug E2-04	Appendix E-2 states as they only response Augusta has received regarding its concerns that "Water Quality study results and operational flows have been discussed in detail with the RCGs and TWCs, of which representatives of the City of Augusta have been included since these comments were received." During the reference meetings, Augusta again renewed its identification of issues, geographic scope, and concern. The applicants licensing personnel stated that assessments would not be done downstream of the project boundary, and further stated that FERC does not require assessment of effects beyond the project boundary. Augusta and its counsel notified the applicants licensing personnel that this is incorrect under the law, the FPA and NEPA, and FERC practice and asked whether the applicant wanted Augusta to make inquiry with the Commission regarding scope. Appendix E-2 is incorrect in stating that Augusta's issues and requests were discussed in the referenced meetings.	No: See Applicant Response	The meeting Augusta is referring to occurred on July 6, 2022. The applicants licensing personnel confirmed that studies would not be performed downstream of the Project dam due to lack of project nexus. The applicants licensing personnel did not state FERC does not require assessment of effects beyond the project boundary. Personnel indicated it was considered on a case-by-case. Due to some technical difficulties Augusta's counsel appeared to be having with cell phone reception, as witnessed by all meeting participants, much of the counsel's conversation was not captured in the meeting notes. However, multiple City of Augusta staff were in the meeting (in person) and did not further elaborate on counsel comments. In addition, both City of Augusta staff and Augusta counsel were provided the opportunity to review the meeting notes and provide feedback and corrections (see email dated July 26, 2022). No edits or comments were received.	
DLA	City of Augusta	DLA Aug E2-05	In response to Augusta's requests for study of downstream areas, the applicant further states in Exhibit E-2 that **"Although the Water Quality Study Plan was largely developed in consultation with resource agencies and stakeholders, including experts from GADNR, SCDNR, SCDHEC, USFWS, NMFS, and USFWS, prior to the City becoming involved as a relicensing stakeholder, study results have since been shared and explored with the City. Monitoring sites were selected to aid in the quantification of effects of Stevens Creek Project re-regulation operations on water quality both upstream and directly downstream. Additional downstream monitoring sites as part of the aforementioned Water Quality Study Plan would be within and subsequently influenced by the Augusta pool and outside of the Stevens Creek Project nexus identified within FERC study criteria."** Augusta was omitted from relicensing distributions, as Augusta wrote in its May 28, 2021 correspondence which is attached as Attachment A to these comments. Accordingly it could not have been involved with the water quality study plan activities that predated that time period.	No: See Applicant Response	See response to Augusta comment E-25, above.	
DLA	City of Augusta	DLA Aug E2-06	Augusta's rebuffed attempts to advise the applicant that the FPA and NEPA require consideration of effects of flow, water quality, and other issues downstream are noted in the July 6, 2022 Meeting notes found in "Meeting Notes and Presentations 2022" in the DLA and Exhibits. The exchange is described by the applicant's consultant as follows: **"Following presentation of the mussel survey results, the question was raised as to why the survey was not conducted below the Stevens Creek Dam. Questions were also raised by representatives from the City of Augusta about the effects of the Project below the dam, the FERC [Project Boundary Limit] PBL, and whether appropriate NEPA analysis was conducted. Alison noted that crucial criteria for determining whether a study is to be conducted at a FERC project is project nexus - whether there is a connection between project operations and effects (direct, indirect, and/or cumulative). Amy Bresnahan, Dominion, explained operations at the Stevens Creek Project and its FERC-designated role to <u>re-regulate the discharge</u> from the USACE Thurmond Dam located upstream from the Project. Water quality below the Stevens Creek Dam is a function of the water released from the Thurmond Dam and operation of the Project; data indicate that water is improved, if anything, as it passes through the Project. Both Eric Bauer, USFWS, and Paula Marcinek, GADNR, noted that impacts below the PBL can be assessed and the PBL can change during the relicensing. Alison stated that the PBL and project effects are considered on a case-by-case basis. Dominion performed studies based on the project nexus and worked closely with the agencies to develop the study scope prior to study implementation." July 6, 2022 Meeting Notes, at page 3-4.** This discussion was more than a year following Augusta's May 28, 2021 comment and request that downstream impacts required assessment, without response or feedback. The direct, indirect and cumulative effect of project operation is made clear by the applicants repeated claims to reregulate the entirety of Savannah River flows from Thurmond Dam. Exhibit E at 4.1.4 makes this clear: "DESC operates the Stevens Creek Project to generate hydropower and **re-regulate flows from USACE dams to downstream water uses.** The USACE manages the Hartwell, Richard B. Russel, and J. Strom Thurmond Hydroelectric projects for water supply, water quality, hydropower production, flood risk management, downstream navigation, recreation, and fish and wildlife management. The Savannah River between Thurmond Dam and Stevens Creek Dam supports its designated uses as drinking water supply and fishing according to Georgia's 2022 Integrated 303(d) List (GAEPD 2022). Downstream, the Augusta Canal was designated to drive mills, provide river transportation, and provide a municipal water supply. Today, the Augusta Canal still provides drinking water to the city of Augusta, hydropower, and recreational and tourism opportunities. More detail addressing major water uses within the vicinity of the Stevens Creek Project are discussed in Section 4.4, *Water Resources."* Exhibit E, at 4.14 If Stevens Creek operation is to 'reregulate flow from Thurmond Dam which is operated by the U.S. Army Corps of Engineers (USACE)' Ex. B at 1.2; Ex. H, at 1.b., and Thurmond Dam releases water for Augusta's water supply and fish and wildlife (as it is required by Federal law), then Stevens Creek reregulation is a direct effect on those flows and those purposes. The USACE agrees that Stevens Creek affects downstream resources, stating seq.as Augusta "the flow regime in the Augusta Shoals is controlled by flow releases from Thurmond Dam, reregulation of flows at Stevens Creek Dam." Resource agencies agree as well. DLA, National Marine Fisheries Service, 2023 Water Quality Study Plan Comments for the Stevens Creek Hydroelectric Project (FERC No. 2535)(located in the DLA, Accession # 20230324-5343).	No: See Applicant Response	Please see the response to DLA Aug IS-05, above.	
DLA	City of Augusta	DLA Aug E2-07	As discussed above, Exhibit B Flow Duration curves use gage values from the New Savannah Bluff Lock and Dam Butler Creek gage which is 21 river miles downstream of the Stevens Creek project. The gage is USGS Streamflow Gage No. 02197000 Savannah River at Augusta, Georgia located just downstream of the New Savannah Bluff Lock and Dam, located at Latitude 33°22'21.1", Longitude 81°56'31.5". Ex. E at 4.4; https://waterdata.usgs.gov/nwis/inventory/?site_no=02197000. This gage does not measure Stevens Creek discharge, outflow, spill or spillway discharge, or other recognized means to determine flows from the project. Exhibit B indicates that flow duration curves were prorated.	No: See Applicant Response	Comment noted. See Applicant Response to Comment DLA Aug B-16.	

DLA	City of Augusta	DLA Aug E2-08	Footnote 2,3,4: Including a 'would not exceed' operational flow is unacceptably vague and threatens Augusta's Section 27 protected vested municipal water rights and uses and threatens Section 4 and 10 aquatic resource requirements. The 'would not exceed' would in this instance allow reduced flows below the stated level.	No: See Applicant Response	Comment noted. For discussion on water rights, see applicant response to Comment Code DLA Aug IS-01.	
DLA	City of Augusta	DLA Aug E2-09	Footnote 14: We note that the applicant has changed its reason for not conducting the downstream studies from its position during this relicensing meetings that the resources were outside the project boundary,, to now stating that the downstream impacts lack a nexus to the project and its licensing proceeding. Although the term nexus was not discussed during the meeting, nexus has been inserted into the meeting notes for the July 2022 meeting. Nexus is a term used in the context of the Integrated Licensing Process as to study requests and is found at 18 C.F.R. 5.9. The applicant is using a Traditional Licensing Process and so the regulations at 18 C.F.R. 5.9 are inapplicable. Nonetheless, those regulations explain "nexus between project operations and effects (direct, indirect, and/or cumulative) on the resource to be studied, and how the study results would inform the development of license requirements." Augusta has explained the obvious, that its operations are governed by the FPA license which prescribe its discharge requirements and limitations affecting downstream water uses (Augusta's vested municipal water rights) and fish and wildlife resources protected under FPA Section 4 and 10. Nexus is also used with respect to PME measures and is identified in FERC's Policy Statement on Hydropower Licensing Settlements, 116 F.E.R.C. 61,270 (Sept. 21, 2006)).	No: See Applicant Response	DESC notes that this statement is incorrect, as nexus was explicitly discussed at the meeting. See response to DLA Aug E2-04, above.	
DLA	Augusta Canal Authority	DLA Canal GC-01	The Stevens Creek project is less than one mile upstream from the Augusta Diversion Dam operated by the City for withdrawals from the Savannah River into the canal, and lies within the AC heritage area geographic limits described above. For that reason and due to the close proximity of the Stevens Creek project to the Diversion Dam and the Augusta withdrawals from the River into the Canal we feel that inadequate analysis has been provided for the impacts downstream of the Stevens creek project.	No: See Applicant Response	Please see response to DLA Aug E-24, DLA Aug E-34, DLA Aug E-39, DLA Aug E-40, above.	
DLA	Augusta Canal Authority	DLA Canal GC-02	In particular, we request that appropriate detailed studied be performed to document the environmental, minimum flow rates, and other impacts on water resources, water supply, water users, recreational resources, historic properties, etc. The Canal and National Heritage Area is one of the largest tourist attractions in the City and provides significant positive impacts for tourism, economic benefits and educational opportunities for the school systems for the region. The availability of adequate flows of water in the Augusta Canal are critical elements for the success of these important functions.	No: See Applicant Response	Please see response to DLA Aug IS-05.	
DLA	Augusta Canal Authority	DLA Canal GC-03	Furthermore, The Augusta Canal Authority endorses the comments submitted from Augusta-Richmond County.	No: See Applicant Response	Comment noted.	