

APPENDIX A

PUBLIC INVOLVEMENT

Scoping Newsletter

Chesapeake and Ohio Canal

National Historical Park

Project Scoping

National Park Service
U.S. Department of the Interior



January 8-February 10, 2007

Environmental Assessment for Eelways – Historic Dams # 4&5 on the Potomac River, Washington County, MD.

The National Park Service (NPS), in partnership with the United States Fish and Wildlife Service and in cooperation with Allegheny Energy, is in process of reviewing a proposed request to establish passages for the American Eel at Dams # 4 & 5 on the Potomac River. The proposal is to establish one eelway passage per dam location.

Dams # 4 & 5 were built by the Chesapeake and Ohio Canal Company to supply water for their canal operations. Both dams were originally completed in 1834 but eventually replaced by solid masonry structures that exist today. Dam # 4 was replaced in 1860 and is located at mile 84 of the Chesapeake and Ohio Canal National Historical Park. Dam # 5 was replaced in 1857. Dam # 5 is located at park mile 106. Both structures are owned and maintained by the NPS.

In accordance with the National Environmental Policy Act (NEPA) and the National Historic Preservation Act (NHPA), the National Park Service is initiating work on an Environmental Assessment (EA) to evaluate potential impacts of the proposed project to the natural, cultural, and human environment.

Purpose and Need

The American eel (*Anguilla rostrata*) population is in decline partly due to obstacles they encounter on their lifecycle migration between freshwater river habitat and saltwater spawning areas. Dams are an impediment to this lifecycle. Ways and means to enable the American eel to have safe passage over historic Dams # 4 & 5 of the Potomac River is the focus of this project, which would open over 120 miles river as habitat for the eels and help with their restoration.



Dam #4, photo taken from Maryland looking toward West Virginia
(NPS Photo 2006)



Project locations



Dam #5, photo taken from Maryland looking toward West Virginia
(NPS Photo 2006)

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Resources and Impact Topics

Initial internal project scoping identified the following resources and impact topics for consideration in the EA:

- Geology
- Soil
- Water Resources
- Floodplains
- Vegetation
- Wetlands
- Wildlife and Aquatic Life
- Archaeological Resources
- Cultural Landscape/Resources
- Visitor Use and Experience
- Park Operations
- Public Safety
- Socioeconomic Environment
- Endangered and Threatened Species

Alternatives

(The project is proposing to establish one eelway passage per dam location.)

Initial internal project scoping has identified the following alternatives for consideration in the EA:

- No Action** – the status quo, American Eels would continue to encounter impediments to their upstream migration at Dams # 4 & 5. Existing voids in the structures would yield limited passage.
- Construction of passageways near the West Virginia shoreline.** At both dams, this would involve an exposed structure that would originate in a calm pool of water at the base of the dam and rise to the top of the dam. A water diversion wall would be installed at the top of the dam at the passage way location to prevent debris from damaging the eelway structure.
- Construction of the passageway on the Maryland shoreline area.** At Dam # 4, the passageway would utilize the semi-watered canal with a few modifications at the guard lock above the dam. At Dam # 5 a complete underground passageway would be constructed to connect the river area below the dam to the area of the guard lock above the dam.
- Combination of Alternatives B and C.** This alternative would combine one structure at a Maryland location and one structure at a West Virginia location.



US Fish and Wildlife Service

Overview of the Process

Project milestones include:

- Public scoping period (January 8- February 10, 2007).
- Public Scoping Meeting – January 17, 2007.
- Preparation of EA.
- Public review of EA.
- Analysis of public comment.
- Preparation of decision document.
- Announcement of decision on proposal.

Public Scoping Period

At this time, the Superintendent is announcing a 34-day public scoping period to solicit public comments on this proposal. During this scoping period, the public is invited to identify any issues or concerns they might have with the proposed project so that the National Park Service can appropriately consider them in the EA. You may submit comments electronically at the National Park Service's Planning, Environment, and Public Comment website (<http://parkplanning.nps.gov>) or submit written comments to:

Superintendent
C&O Canal National Historical Park
1850 Dual Highway, Suite 100
Hagerstown, MD 21740

Please submit your scoping comments by February 10, 2007.

Once the EA is developed, it will be made available for public review for a 30-day period. If you wish to be added to the park's mailing list for this or other announcements, please be sure to indicate that in your response.

Project Review Meeting Agenda

AGENDA
October 16, 2008
Project Review Meeting
Maryland Historical Trust
Chesapeake and Ohio Canal NHP
9:00 AM
Crownsville, MD – MDSHPO Offices

Sam Tamburro – CHOH Acting Chief of Resources

Lynne Wigfield – CHOH Compliance Officer

Jonathan Sager – MDSHPO Preservation Officer

Dams #4&5 Background Information

- Ownership
- Historic context
- Current condition
 - Character
 - Integrity
- Dam Safety
 - Inspections
 - Requirements

Project #1

EELWAYS – Potomac River, Historic Dams #4 & 5

- US Fish and Wildlife Initiative/Project Purpose
- NPS involvement
- NEPA/106 requirements
- Dam #4
 - Site Photos
 - Alternative Review/Concept Drawings
 - Scientific requirements
- Dam #5
 - Site Photos
 - Alternative Review/Concept Drawings
 - Scientific Requirements
- Choosing by Advantage Workshops
 - Review of CBA process
 - Review of project ranking
- NPS Concerns
 - Safety – Public and Staff
 - Impairment? Adverse Effect?
- Other potential alternatives?
 - Underground behind abutment at Dam #4
- SHPO Thoughts and Comments
- Cumulative Impacts (FERC, Dam Safety/Project #2 listed below)

Project #2

HANDRAILS – Potomac River, Historic Dams #4&5

- Project Background
- Existing Conditions
- Possible Alternatives
 - No Action
 - Excavation at Dam #4
 - Railing
 - Concept style ideas
 - Fencing
 - Concept style ideas
 - Requirements for either fence or railing
 - Flood impact resistance/breakaway
- Requirements for Eelways (Cumulative impacts)
 - Protection of structure
 - Worker safety
 - Public safety
- Office of Solicitor opinion

OTHER PENDING PROJECTS UPDATES

- Summit Hall Water Line EA
- Pennyfield MOA
- Evitts Creek CSO EA
- Snyder Wall EA
- Cumberland Rewatering

CLOSING THOUGHTS

Documentation for MDSHPO Files

Eelway Project

Dam #4 CBA worksheet and notes- internal documents

Dam #5 CBA worksheet and notes- internal documents

Eelway passage concept drawings, FWS support document

Site Photos

Substantive Issues Report

Historic Dams 4&5 Eelway Passage Project - Potomac River

Substantive Issues Report

(05/19/2009)

AE11000 Affected Environment: Species Of Special Concern (Substantive)

Correspondence Id: 10 **Comment Id:** 50850 **Coder's Initials:** JEANNETTE_DAWSON

Comment Text: Please review and implement an action plan to thoroughly address this extremely troubling issue. Media reports continue to underscore alleged widespread and rising eel fishery destruction in the Chesapeake Bay watershed area and Eastern seaboard, despite strong documentation indicating such problems exist. Please contact the appropriate stakeholders/personnel to turnaround these growing issues and concerns. Please coordinate, collaborate and cooperate on Federal, State and/or local jurisdictional levels in addressing these concerns potentially impacting adversely public policy, finances, trust, confidence, ecosystem, environment and quality of life issues. Thank you for your time in this matter and hope to hear from you soon.

Organization:

Commenter: Alex Balboa **Page:** **Paragraph:**

Kept Private: No

Correspondence Id: 10 **Comment Id:** 50849 **Coder's Initials:** JEANNETTE_DAWSON

Comment Text: I was reading the latest Associated Press article "Dam passageways allow eels to reclaim habitat" (By KAREN GARDNER, Feb 17, 2007) with great interest when I came across the following sentences: ...Eels were once plentiful in the Potomac River. Two federal agencies are now working to rebuild the eel population in its natural habitat. ...Alex Hoar, a biologist with the U.S. Fish and Wildlife Service's Northeast Regional Office in Hadley, Mass., has been working to restore the eel population to the Potomac. "We think the Potomac could be the first river on the East Coast opened for eels in accordance with the Atlantic States Marine Fisheries Commission's goals for eels," Hoar said. ...Eels historically made up 25 percent of the fish population of East Coast waterways. Hoar and other federal officials would like to help restore some of that population. "Only 10 percent of their historic range is unobstructed," Hoar said. ...Eels contribute to the overall health of an estuary because they were part of the original food chain, according to the Atlantic States Marine Fisheries Commission.

Organization:

Commenter: Alex Balboa **Page:** **Paragraph:**

Kept Private: No

Correspondence Id: 2 **Comment Id:** 38597 **Coder's Initials:** LYNNE_WIGFIELD

Comment Text: I hope you can complete this project. I live in Franklin County Pennsylvania along Licking Creek, which according to my old, old neighbors (now all long dead) used to be chock full of eels. They had many happy memories of night-fishing. I hope the eels can be restored.

Organization:

Commenter: Bob Hunter **Page:** **Paragraph:**

Kept Private: No

Correspondence Id: 4 **Comment Id:** 39487 **Coder's Initials:** JEANNETTE_DAWSON

Comment Text: Please expedite actions to install the eelways on Dams #4 and 5 on the Potomac River. As a catch and release angler, I am becoming very concerned with the natural habitat of the river for my and future generations. Restoring the eels is critical to preserving our river ecosystem.

Organization: Potomac R. Smallmouth Club

Commenter: Terrence Cooney **Page:** **Paragraph:**

Kept Private: No

Correspondence Id: 3 **Comment Id:** 39308 **Coder's Initials:** LYNNE_WIGFIELD

Comment Text: After reviewing the Fishery Management Report No. 36 of the Atlantic States Marine Fisheries Commission, dtd April, 2000, and the C & O Canal NHP Project Scoping, Environmental Assessment for Eelways - Historic Dams # 4 & 5 on the Potomac River, Washington County, MD., dtd Jan 8, 2007, I support building the eelways in one form or another. They appear to be effective in supporting the migration of eels to their historic habitat and will be beneficial in restoring the eel population. I have no opinion on which design is the best, but wish to go on record as supporting moving out on this project.

Organization:

Commenter: Thomas Lightfoot **Page:** **Paragraph:**

Kept Private: No

Correspondence Id: 8 **Comment Id:** 39496 **Coder's Initials:** JEANNETTE_DAWSON

Comment Text: We see no reason to be concerned that construction and maintenance of the eelways will have any negative effect on other natural resources. We encourage the National Park Service to pursue the construction of these eelways and support other measures to improve and open eel habitat in the Potomac River Basin.

Organization: The Nature Conservancy

Commenter: Stephanie Flack **Page:** **Paragraph:**

Kept Private: No

Correspondence Id: 8 **Comment Id:** 39495 **Coder's Initials:** JEANNETTE_DAWSON

Comment Text: The U.S. Fish and Wildlife Service has shown that Dams #4 and 5 are impediments to upstream eelway passage, and successful eelways on nearby dams have clearly shown their effectiveness in allowing eels to pass upstream in large numbers. These proposed eelways would improve access to and open 120 river miles of critical eel habitat for feeding and growth. The ability of the eel, especially females, to access far inland freshwater habitats in the watershed has been shown to be an important factor to ensure the development of larger females that possess a higher reproductive potential than females that are found lower in the basin.

Organization: The Nature Conservancy

Commenter: Stephanie Flack **Page:** **Paragraph:**

Kept Private: No

Correspondence Id: 8 **Comment Id:** 39494 **Coder's Initials:** JEANNETTE_DAWSON

Comment Text: On behalf of The Nature Conservancy we would like to voice our support for the construction of eelways on Dams #4 & 5 on the Potomac River to promote restoration of American eel to more of their historic range, provided that continued safe downstream passage at the dams is ensured as well. The American eel is a long-lived, catadromous fish species which occupies a significant and unique niche in the Atlantic coastal drainages. The American eel is a panmictic species that appears to be in decline throughout its entire range. In the 2000 management plan for the American eel, the Atlantic States Marine Fisheries Commission set objectives to restore eel to waters where they had historical abundance by providing access. This plan reports that, as of 2000, only 11% of historic eel habitat (in river miles) in the Potomac River Basin were fully accessible to eel.

Organization: The Nature Conservancy

Commenter: Stephanie Flack **Page:** **Paragraph:**

Kept Private: No

AE12000 Affected Environment: Wildlife And Wildlife Habitat (Substantive)

Correspondence Id: 10 **Comment Id:** 50850 **Coder's Initials:** JEANNETTE_DAWSON

Comment Text: Please review and implement an action plan to thoroughly address this extremely troubling issue. Media reports continue to underscore alleged widespread and rising eel fishery destruction in the Chesapeake Bay watershed area and Eastern seaboard, despite strong documentation indicating such problems exist. Please contact the appropriate stakeholders/personnel to turnaround these growing issues and concerns. Please coordinate, collaborate and cooperate on Federal, State and/or local jurisdictional levels in addressing these concerns potentially impacting adversely public policy, finances, trust, confidence, ecosystem, environment and quality of life issues. Thank you for your time in this matter and hope to hear from you soon.

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Organization:

Commenter: Alex Balboa **Page:** **Paragraph:**

Kept Private: No

Correspondence Id: 5 **Comment Id:** 39486 **Coder's Initials:** JEANNETTE_DAWSON

Comment Text: Hello. We are the Potomac River Smallmouth Club and we recently heard about a proposal to build eel ladders on Dams Four and Five on the Potomac River, under your jurisdiction. We are commenting in support of the eel ladders. It sounds like a great project. We always favor projects that help expand the biodiversity of the Potomac, especially those that favor Smallmouth Bass. Throughout your NEPA process, and afterward, is there a place our members can go to track the progress of the project? Feel free to contact me via email. Regardless, we favor installation of the ladders to facilitate large-scale migration of the American eel from the Atlantic Ocean to the Potomac Headwaters. Thanks for managing our nation's cultural and natural resources.

Organization: Potomac River Smallmouth Club

Commenter: Aaron m Otte **Page:** **Paragraph:**

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Correspondence Id: 4 **Comment Id:** 39487 **Coder's Initials:** JEANNETTE_DAWSON

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Organization: The Nature Conservancy

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Organization: The Nature Conservancy

Commenter: Stephanie Flack **Page:** **Paragraph:**

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Correspondence Id: 7 **Comment Id:** 39492 **Coder's Initials:** JEANNETTE_DAWSON

Comment Text: Approx. 10 years a FTWS biologist suggested removing dams #4 and #5, following a nationwide effort to remove barriers on US waterways. He was told that MD DNR and the citizens of Washington County would not support his proposal before it ever reached NPS, or perhaps it did. During several years of negotiations w/ Allegheny Power, MD DNR supported an eel ladder and did not support a fish ladder because the ladder potentially offered less restoration/enhance of fish than the former, which was much less expensive, more functional/successful, and was less unusual. Fish populations are similar above and below dams #4 and offering little justification for a fish ladder, however the dams are an obstacle for, at present, the rivers only migratory fish, the American Eel. Installation of eel ladders would muffle future cries for dam removal.

Organization:

Commenter: Ed Enamait **Page:** **Paragraph:**

Kept Private: No

Correspondence Id: 7 **Comment Id:** 39489 **Coder's Initials:** JEANNETTE_DAWSON

Comment Text: Do you have any additional suggestions or comments? The choice of alter B would lesson the minimal impacts upon the NPS environment and opinions relating to this impact. Installation near the power plants will have advantages of: (1) electric power supply (2) relatively isolated location that would lesson concerns about public safety and vandalism. Regardless of a MD or WV location I would suspect minimal vandalism of the ladder

itself, but a higher potential on the eel collection device by area fishermen as eels are an excellent bait for catching rockfish (striped bass) or crabs in the Cheapeake Bay. (3) Allegheny employee may be moved to react quickly to a rising water or other mother nature threats to the eel ladder. Despite their presence at the plants being only occasional it may still be more often than workers/volunteers on the MD side to be able to observe possible problems that require corrective action. (4) Less visual impact upon NPS property. This will also result in less visitor use and experience of the natural aquatic resources in the Potomac River, but perhaps enhance/maintain the experience for those strictly interested in the cultural and history of the towpath. It's my limited judgement that there are more general recreationists utilizing this area than the latter.

Organization:

Commenter: Ed Enamait **Page:** **Paragraph:**

Kept Private: No

Correspondence Id: 7 **Comment Id:** 39488 **Coder's Initials:** JEANNETTE_DAWSON

Comment Text: That NPS should chose Alter A. based upon a subject evaluation of aesthetics, public safety, or impact upon archaeological/cultural resources. Choosing Aternative B, (I prefer), C, or D would favorably impact living resources and diversity in the aquatic environment of the Potomac River.

Organization:

Commenter: Ed Enamait **Page:** **Paragraph:**

Kept Private: No

AE13000 Affected Environment: Cultural Resources (Substantive)

Correspondence Id: 6 **Comment Id:** 39484 **Coder's Initials:** JEANNETTE_DAWSON

Comment Text: I want to know how the eelway is going to affect the flat ground next to the dams on the Maryland side. is construction strictly going to be in the water or will there be damage and possible closure to the areas during construction?

Organization: C & O Canal Association

Commenter: Gary P McGinnis **Page:** **Paragraph:**

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Organization:

Commenter: Ed Enamait **Page:** **Paragraph:**

Kept Private: No

AE14000 Affected Environment: Historic Structures (Substantive)

Correspondence Id: 6 **Comment Id:** 39484 **Coder's Initials:** JEANNETTE_DAWSON

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Organization:

Commenter: Ed Enamait **Page:** **Paragraph:**

Kept Private: No

AE19000 Affected Environment: Other Agencies' Land Use Plans (Substantive)

Correspondence Id: 10 **Comment Id:** 50850 **Coder's Initials:** JEANNETTE_DAWSON

Comment Text: Please review and implement an action plan to thoroughly address this extremely troubling issue. Media reports continue to underscore alleged widespread and rising eel fishery destruction in the Chesapeake Bay watershed area and Eastern seaboard, despite strong documentation indicating such problems exist. Please contact the appropriate stakeholders/personnel to turnaround these growing issues and concerns. Please coordinate, collaborate and cooperate on Federal, State and/or local jurisdictional levels in addressing these concerns potentially impacting adversely public policy, finances, trust, confidence, ecosystem, environment and quality of life issues. Thank you for your time in this matter and hope to hear from you soon.

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Organization:**Commenter:** Alex Balboa **Page:** **Paragraph:****Kept Private:** No**Correspondence Id:** 9 **Comment Id:** 39497 **Coder's Initials:** JEANNETTE_DAWSON

Comment Text: As owner/operator of the above mentioned facilities, Allegheny Energy Supply Company, LLC (AE) hereby provides comments to Project Scoping Report by National Park Service (NPS)/ Department of the Interior in regards to the construction of the eel ladders on the NPS dams. AE has provided the funds for the initial purchase and installation of the eel ladders as part of our negotiations with the NPS under the Supplemental Agreement for dam use. AE has always taken the position that the eel ladder at Dam No. 4 should be placed on the Maryland side of the river. Because of the river topography, debris always collects on the West Virginia side of the river at the power house. Based on this fact, AE believes that constant repairs or replacement of the eel ladder will be necessary during high river flow. AE cannot take any responsibility for the eel ladder if it is placed at the hydro facility at Dam No. 4, which will be subject to the heavy debris load.

Organization: Allegheny Energy**Commenter:** Charles L Simons **Page:** **Paragraph:****Kept Private:** No**Correspondence Id:** 7 **Comment Id:** 39492 **Coder's Initials:** JEANNETTE_DAWSON

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Organization:**Commenter:** Ed Enamait **Page:** **Paragraph:****Kept Private:** No**Correspondence Id:** 1 **Comment Id:** 38599 **Coder's Initials:** MANDY_KERSHNER

Comment Text: I am the owner of the Kemps Mill Dam on the Conococheague Creek which feeds into the Potomac at Cushwa Basin approx. 3 watermiles south. In conjunction with Maryland State permits, I constructed a fish ladder along the raceway adjacent to the dam and observed carp using it last year to go above the dam. I assume eels and other fish also use it to go upstream. A number of years ago during the permit process, I spoke with a Maryland Fisheries representative who was surprised as he observed small fish jumping over temporary fish ladder 'rungs' in my raceway, and he commented that the government had built million dollar fish ladders that didn't work, yet mine did. My concern is that again millions of public tax dollars will be used to plan and construct over-elaborate "eelways" at Dams 4 & 5 which likely will not work well enough to provide adequate 'payback' to the public.

Organization:**Commenter:** Richard J Nye **Page:** **Paragraph:****Kept Private:** No

AE23000 Affected Environment: Visitor Conflicts (Substantive)

Correspondence Id: 6 **Comment Id:** 39485 **Coder's Initials:** JEANNETTE_DAWSON

Comment Text: I frequently ride a bike along the Canal and enjoy resting at the dams before returning. I picnic at the dams on occasion too. I would love to have picnic tables insted of eelways.

Organization: C & O Canal Association

Commenter: Gary P McGinnis **Page:** **Paragraph:**

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Kept Private: No

Correspondence Id: 7 **Comment Id:** 39489 **Coder's Initials:** JEANNETTE_DAWSON

Comment Text: Do you have any additional suggestions or comments? The choice of alter B would lesson the minimal impacts upon the NPS environment and opinions relating to this impact. Installation near the power plants will have advantages of: (1) electric power supply (2) relatively isolated location that would lesson concerns about public safety and vandalism. Regardless of a MD or WV location I would suspect minimal vandalism of the ladder itself, but a higher potential on the eel collection device by area fishermen as eels are an excellent bait for catching rockfish (striped bass) or crabs in the Cheapeake Bay. (3) Allegheny employee may be moved to react quickly to a rising water or other mother nature threats to the eel ladder. Despite their presence at the plants being only occasional it may still be more often than workers/volunteers on the MD side to be able to observe possible problems that require corrective action. (4) Less visual impact upon NPS property. This will also result in less visitor use and experience of the natural aquatic resouces in the Potomac River, but perhaps enhance/maintain the experience for those strictly interested in the cultural and history of the towpath. It's my limited judgement that there are more general recreationists utilizing this area that the latter.

Organization:

Commenter: Ed Enamait **Page:** **Paragraph:**

Kept Private: No

AE8000 Affected Environment: Visual Quality (Substantive)

Correspondence Id: 6 **Comment Id:** 39485 **Coder's Initials:** JEANNETTE_DAWSON

Comment Text: I frequently ride a bike along the Canal and enjoy resting at the dams before returning. I picnic at the dams on occasion too. I would love to have picnic tables insted of eelways.

Organization: C & O Canal Association

Commenter: Gary P McGinnis **Page:** **Paragraph:**

Kept Private: No

Correspondence Id: 6 **Comment Id:** 39484 **Coder's Initials:** JEANNETTE_DAWSON

Comment Text: I want to know how the eelway is going to affect the flat ground next to the dams on the Maryland side. is construction strictly going to be in the water or will there be damage and possible closure to the areas during construction?

Organization: C & O Canal Association

Commenter: Gary P McGinnis **Page:** **Paragraph:**

Kept Private: No

Correspondence Id: 6 **Comment Id:** 39483 **Coder's Initials:** JEANNETTE_DAWSON

Comment Text: Dam Four and Five are both scenic areas where a person has a little room to stretch out and walk around to enjoy the scenery of the river. Both are quite popular fishing spots.

Organization: C & O Canal Association

Commenter: Gary P McGinnis **Page:** **Paragraph:**

Kept Private: No

Correspondence Id: 7 **Comment Id:** 39489 **Coder's Initials:** JEANNETTE_DAWSON

Comment Text: Do you have any additional suggestions or comments? The choice of alter B would lessen the minimal impacts upon the NPS environment and opinions relating to this impact. Installation near the power plants will have advantages of: (1) electric power supply (2) relatively isolated location that would lessen concerns about public safety and vandalism. Regardless of a MD or WV location I would suspect minimal vandalism of the ladder itself, but a higher potential on the eel collection device by area fishermen as eels are an excellent bait for catching rockfish (striped bass) or crabs in the Cheapeake Bay. (3) Allegheny employee may be moved to react quickly to a rising water or other mother nature threats to the eel ladder. Despite their presence at the plants being only occasional it may still be more often than workers/volunteers on the MD side to be able to observe possible problems that require corrective action. (4) Less visual impact upon NPS property. This will also result in less visitor use and experience of the natural aquatic resources in the Potomac River, but perhaps enhance/maintain the experience for those strictly interested in the cultural and history of the towpath. It's my limited judgement that there are more general recreationists utilizing this area than the latter.

Organization:

Commenter: Ed Enamait **Page:** **Paragraph:**

Kept Private: No

AL4000 Alternatives: New Alternatives Or Elements (Substantive)

Correspondence Id: 5 **Comment Id:** 39486 **Coder's Initials:** JEANNETTE_DAWSON

Comment Text: Hello. We are the Potomac River Smallmouth Club and we recently heard about a proposal to build eel ladders on Dams Four and Five on the Potomac River, under your jurisdiction. We are commenting in support of the eel ladders. It sounds like a great project. We always favor projects that help expand the biodiversity of the Potomac, especially those that favor Smallmouth Bass. Throughout your NEPA process, and afterward, is there a place our members can go to track the progress of the project? Feel free to contact me via email. Regardless, we favor installation of the ladders to facilitate large-scale migration of the American eel from the Atlantic Ocean to the Potomac Headwaters. Thanks for managing our nation's cultural and natural resources.

Organization: Potomac River Smallmouth Club

Commenter: Aaron m Otte **Page:** **Paragraph:**

Kept Private: No

Correspondence Id: 7 **Comment Id:** 39490 **Coder's Initials:** JEANNETTE_DAWSON

Comment Text: I would suggest a very simple design that has a past history of "working" on passing eels. This may lessen construction costs so that ladders might be duplicated (a back-up ladder) during initial construction which would certainly be more economical than a subsequent construction effort. I believe it would be irresponsible to assume that the ladders will not be damaged or completely removed during a Potomac River flood event regardless of human actions taken prior to this event.

Organization:

Commenter: Ed Enamait **Page:** **Paragraph:**

Kept Private: No

Correspondence Id: 1 **Comment Id:** 38598 **Coder's Initials:** LYNNE_WIGFIELD

Comment Text: Specifically, I'd like to know why more eels are important or good for us, anyway? And why not

'farm' them in hatcheries like we do 'muskies' etc. and then put them into the Potomac above Dam 5? The money saved could be spent on canal improvements and renovation, such as repairing the Cushwa Basin Aquaduct and renovating other sections of the canal for public use and enjoyment.

Organization:

Commenter: Richard J Nye **Page:** **Paragraph:**

Kept Private: No

CC1000 Consultation and Coordination: General Comments (Substantive)

Correspondence Id: 10 **Comment Id:** 50850 **Coder's Initials:** JEANNETTE_DAWSON

Comment Text: Please review and implement an action plan to thoroughly address this extremely troubling issue. Media reports continue to underscore alleged widespread and rising eel fishery destruction in the Chesapeake Bay watershed area and Eastern seaboard, despite strong documentation indicating such problems exist. Please contact the appropriate stakeholders/personnel to turnaround these growing issues and concerns. Please coordinate, collaborate and cooperate on Federal, State and/or local jurisdictional levels in addressing these concerns potentially impacting adversely public policy, finances, trust, confidence, ecosystem, environment and quality of life issues. Thank you for your time in this matter and hope to hear from you soon.

Organization:

Commenter: Alex Balboa **Page:** **Paragraph:**

Kept Private: No

CR4000 Cultural Resources: Impact Of Proposal And Alternatives (Substantive)

Correspondence Id: 7 **Comment Id:** 39489 **Coder's Initials:** JEANNETTE_DAWSON

Comment Text: Do you have any additional suggestions or comments? The choice of alter B would lesson the minimal impacts upon the NPS environment and opinions relating to this impact. Installation near the power plants will have advantages of: (1) electric power supply (2) relatively isolated location that would lesson concerns about public safety and vandalism. Regardless of a MD or WV location I would suspect minimal vandalism of the ladder itself, but a higher potential on the eel collection device by area fishermen as eels are an excellent bait for catching rockfish (striped bass) or crabs in the Cheapeake Bay. (3) Allegheny employee may be moved to react quickly to a rising water or other mother nature threats to the eel ladder. Despite their presence at the plants being only occasional it may still be more often than workers/volunteers on the MD side to be able to observe possible problems that require corrective action. (4) Less visual impact upon NPS property. This will also result in less visitor use and experience of the natural aquatic resouces in the Potomac River, but perhaps enhance/maintain the experience for those strictly interested in the cultural and history of the towpath. It's my limited judgement that there are more general recreationists utilizing this area that the latter.

Organization:

Commenter: Ed Enamait **Page:** **Paragraph:**

Kept Private: No

Correspondence Id: 7 **Comment Id:** 39488 **Coder's Initials:** JEANNETTE_DAWSON

Comment Text: That NPS should chose Alter A. based upon a subject evaluation of aesthetics, public safety, or impact upon archaeological/cultural resources. Choosing Aternative B, (I prefer), C, or D would favorably impact living resources and diversity in the aquatic environment of the Potomac River.

Organization:

Commenter: Ed Enamait **Page:** **Paragraph:**

Kept Private: No

Correspondence Id: 1 **Comment Id:** 38598 **Coder's Initials:** LYNNE_WIGFIELD

Comment Text: Specifically, I'd like to know why more eels are important or good for us, anyway? And why not 'farm' them in hatcheries like we do 'muskies' etc. and then put them into the Potomac above Dam 5? The money saved could be spent on canal improvements and renovation, such as repairing the Cushwa Basin Aquaduct and renovating other sections of the canal for public use and enjoyment.

Organization:

Commenter: Richard J Nye **Page:** **Paragraph:**

Kept Private: No

GA2000 Impact Analysis: Use Trends And Assumptions (Substantive)

Correspondence Id: 10 **Comment Id:** 50850 **Coder's Initials:** JEANNETTE_DAWSON

Comment Text: Please review and implement an action plan to thoroughly address this extremely troubling issue. Media reports continue to underscore alleged widespread and rising eel fishery destruction in the Chesapeake Bay watershed area and Eastern seaboard, despite strong documentation indicating such problems exist. Please contact the appropriate stakeholders/personnel to turnaround these growing issues and concerns. Please coordinate, collaborate and cooperate on Federal, State and/or local jurisdictional levels in addressing these concerns potentially impacting adversely public policy, finances, trust, confidence, ecosystem, environment and quality of life issues. Thank you for your time in this matter and hope to hear from you soon.

Organization:

Commenter: Alex Balboa **Page:** **Paragraph:**

Kept Private: No

Correspondence Id: 10 **Comment Id:** 50849 **Coder's Initials:** JEANNETTE_DAWSON

Comment Text: I was reading the latest Associated Press article "Dam passageways allow eels to reclaim habitat" (By KAREN GARDNER, Feb 17, 2007) with great interest when I came across the following sentences: ...Eels were once plentiful in the Potomac River. Two federal agencies are now working to rebuild the eel population in its natural habitat. ...Alex Hoar, a biologist with the U.S. Fish and Wildlife Service's Northeast Regional Office in Hadley, Mass., has been working to restore the eel population to the Potomac. "We think the Potomac could be the first river on the East Coast opened for eels in accordance with the Atlantic States Marine Fisheries Commission's goals for eels," Hoar said. ...Eels historically made up 25 percent of the fish population of East Coast waterways. Hoar and other federal officials would like to help restore some of that population. "Only 10 percent of their historic range is unobstructed," Hoar said. ...Eels contribute to the overall health of an estuary because they were part of the original food chain, according to the Atlantic States Marine Fisheries Commission.

Organization:

Commenter: Alex Balboa **Page:** **Paragraph:**

Kept Private: No

Correspondence Id: 2 **Comment Id:** 38597 **Coder's Initials:** LYNNE_WIGFIELD

Comment Text: I hope you can complete this project. I live in Franklin County Pennsylvania along Licking Creek, which according to my old, old neighbors (now all long dead) used to be chock full of eels. They had many happy memories of night-fishing. I hope the eels can be restored.

Organization:

Commenter: Bob Hunter **Page:** **Paragraph:**

Kept Private: No

Correspondence Id: 6 **Comment Id:** 39482 **Coder's Initials:** SUZIE_BOLTZ

Comment Text: My first question is in regards to the need for eelways. How do the eels get around Great Falls? If a small dam is an impediment then it would not seem possible for the eel to get past the height of the falls.

Organization: C & O Canal Association

Commenter: Gary P McGinnis **Page:** **Paragraph:**

Kept Private: No

Correspondence Id: 1 **Comment Id:** 38599 **Coder's Initials:** MANDY_KERSHNER

Comment Text: I am the owner of the Kemps Mill Dam on the Conococheague Creek which feeds into the Potomac at Cushwa Basin approx. 3 watermiles south. In conjunction with Maryland State permits, I constructed a fish ladder along the raceway adjacent to the dam and observed carp using it last year to go above the dam. I assume eels and other fish also use it to go upstream. A number of years ago during the permit process, I spoke with a Maryland Fisheries representative who was surprised as he observed small fish jumping over temporary fish ladder 'rungs' in my raceway, and he commented that the government had built million dollar fish ladders that didn't work, yet mine did. My concern is that again millions of public tax dollars will be used to plan and construct over-elaborate "eelways" at Dams 4 & 5 which likely will not work well enough to provide adequate 'payback' to the public.

Organization:

Commenter: Richard J Nye **Page:** **Paragraph:**

Kept Private: No

Correspondence Id: 1 **Comment Id:** 38598 **Coder's Initials:** LYNNE_WIGFIELD

Comment Text: Specifically, I'd like to know why more eels are important or good for us, anyway? And why not 'farm' them in hatcheries like we do 'muskies' etc. and then put them into the Potomac above Dam 5? The money saved could be spent on canal improvements and renovation, such as repairing the Cushwa Basin Aquaduct and renovating other sections of the canal for public use and enjoyment.

Organization:

Commenter: Richard J Nye **Page:** **Paragraph:**

Kept Private: No

IC100 ISSUES - Cultural resource issues (Substantive)

Correspondence Id: 7 **Comment Id:** 39488 **Coder's Initials:** JEANNETTE_DAWSON

Comment Text: That NPS should choose Alter A. based upon a subject evaluation of aesthetics, public safety, or impact upon archaeological/cultural resources. Choosing Alternative B, (I prefer), C, or D would favorably impact living resources and diversity in the aquatic environment of the Potomac River.

Organization:

Commenter: Ed Enamait **Page:** **Paragraph:**

Kept Private: No

Correspondence Id: 1 **Comment Id:** 38598 **Coder's Initials:** LYNNE_WIGFIELD

Comment Text: Specifically, I'd like to know why more eels are important or good for us, anyway? And why not 'farm' them in hatcheries like we do 'muskies' etc. and then put them into the Potomac above Dam 5? The money saved could be spent on canal improvements and renovation, such as repairing the Cushwa Basin Aquaduct and renovating other sections of the canal for public use and enjoyment.

Organization:

Commenter: Richard J Nye **Page:** **Paragraph:**

Kept Private: No

IN100 ISSUES - Natural resource issues (Substantive)

Correspondence Id: 10 **Comment Id:** 50849 **Coder's Initials:** JEANNETTE_DAWSON

Comment Text: I was reading the latest Associated Press article "Dam passageways allow eels to reclaim habitat" (By KAREN GARDNER, Feb 17, 2007) with great interest when I came across the following sentences: ...Eels were once plentiful in the Potomac River. Two federal agencies are now working to rebuild the eel population in its natural habitat. ...Alex Hoar, a biologist with the U.S. Fish and Wildlife Service's Northeast Regional Office in Hadley, Mass., has been working to restore the eel population to the Potomac. "We think the Potomac could be the first river on the East Coast opened for eels in accordance with the Atlantic States Marine Fisheries Commission's goals for eels," Hoar said. ...Eels historically made up 25 percent of the fish population of East Coast waterways. Hoar and other federal officials would like to help restore some of that population. "Only 10 percent of their historic range is unobstructed," Hoar said. ...Eels contribute to the overall health of an estuary because they were part of the original food chain, according to the Atlantic States Marine Fisheries Commission.

Organization:

Commenter: Alex Balboa **Page:** **Paragraph:**

Kept Private: No

Correspondence Id: 9 **Comment Id:** 39497 **Coder's Initials:** JEANNETTE_DAWSON

Comment Text: As owner/operator of the above mentioned facilities, Allegheny Energy Supply Company, LLC (AE) hereby provides comments to Project Scoping Report by National Park Service (NPS)/ Department of the Interior in regards to the construction of the eel ladders on the NPS dams. AE has provided the funds for the initial purchase and installation of the eel ladders as part of our negotiations with the NPS under the Supplemental Agreement for dam use. AE has always taken the position that the eel ladder at Dam No. 4 should be placed on the Maryland side of the river. Because of the river topography, debris always collects on the West Virginia side of the river at the power house. Based on this fact, AE believes that constant repairs or replacement of the eel ladder will be necessary during high river flow. AE cannot take any responsibility for the eel ladder if it is placed at the hydro facility at Dam No. 4, which will be subject to the heavy debris load.

Organization: Allegheny Energy

Commenter: Charles L Simons **Page:** **Paragraph:**

Kept Private: No

Correspondence Id: 2 **Comment Id:** 38597 **Coder's Initials:** LYNNE_WIGFIELD

Comment Text: I hope you can complete this project. I live in Franklin County Pennsylvania along Licking Creek, which according to my old, old neighbors (now all long dead) used to be chock full of eels. They had many happy memories of night-fishing. I hope the eels can be restored.

Organization:

Commenter: Bob Hunter **Page:** **Paragraph:**

Kept Private: No

Correspondence Id: 8 **Comment Id:** 39496 **Coder's Initials:** JEANNETTE_DAWSON

Comment Text: We see no reason to be concerned that construction and maintenance of the eelways will have any negative effect on other natural resources. We encourage the National Park Service to pursue the construction of these eelways and support other measures to improve and open eel habitat in the Potomac River Basin.

Organization: The Nature Conservancy

Commenter: Stephanie Flack **Page:** **Paragraph:**

Kept Private: No

Correspondence Id: 8 **Comment Id:** 39495 **Coder's Initials:** JEANNETTE_DAWSON

Comment Text: The U.S. Fish and Wildlife Service has shown that Dams #4 and 5 are impediments to upstream

eelway passage, and successful eelways on nearby dams have clearly shown their effectiveness in allowing eels to pass upstream in large numbers. These proposed eelways would improve access to and open 120 river miles of critical eel habitat for feeding and growth. The ability of the eel, especially females, to access far inland freshwater habitats in the watershed has been shown to be an important factor to ensure the development of larger females that possess a higher reproductive potential than females that are found lower in the basin.

Organization: The Nature Conservancy

Commenter: Stephanie Flack **Page:** **Paragraph:**

Kept Private: No

Correspondence Id: 8 **Comment Id:** 39494 **Coder's Initials:** JEANNETTE_DAWSON

Comment Text: On behalf of The Nature Conservancy we would like to voice our support for the construction of eelways on Dams #4 & 5 on the Potomac River to promote restoration of American eel to more of their historic range, provided that continued safe downstream passage at the dams is ensured as well. The American eel is a long-lived, catadromous fish species which occupies a significant and unique niche in the Atlantic coastal drainages. The American eel is a panmictic species that appears to be in decline throughout its entire range. In the 2000 management plan for the American eel, the Atlantic States Marine Fisheries Commission set objectives to restore eel to waters where they had historical abundance by providing access. This plan reports that, as of 2000, only 11% of historic eel habitat (in river miles) in the Potomac River Basin were fully accessible to eel.

Organization: The Nature Conservancy

Commenter: Stephanie Flack **Page:** **Paragraph:**

Kept Private: No

Correspondence Id: 7 **Comment Id:** 39492 **Coder's Initials:** JEANNETTE_DAWSON

Comment Text: Approx. 10 years a FTWS biologist suggested removing dams #4 and #5, following a nationwide effort to remove barriers on US waterways. He was told that MD DNR and the citizens of Washington County would not support his proposal before it ever reached NPS, or perhaps it did. During several years of negotiations w/ Allegheny Power, MD DNR supported an eel ladder and did not support a fish ladder because the ladder potentially offered less restoration/enhance of fish than the former, which was much less expensive, more functional/successful, and was less unusual. Fish populations are similar above and below dams #4 and offering little justification for a fish ladder, however the dams are an obstacle for, at present, the rivers only migratory fish, the American Eel. Installation of eel ladders would muffle future cries for dam removal.

Organization:

Commenter: Ed Enamait **Page:** **Paragraph:**

Kept Private: No

Correspondence Id: 7 **Comment Id:** 39488 **Coder's Initials:** JEANNETTE_DAWSON

Comment Text: That NPS should chose Alter A. based upon a subject evaluation of aesthetics, public safety, or impact upon archaeological/cultural resources. Choosing Aternative B, (I prefer), C, or D would favorably impact living resources and diversity in the aquatic environment of the Potomac River.

Organization:

Commenter: Ed Enamait **Page:** **Paragraph:**

Kept Private: No

Correspondence Id: 1 **Comment Id:** 38598 **Coder's Initials:** LYNNE_WIGFIELD

Comment Text: Specifically, I'd like to know why more eels are important or good for us, anyway? And why not 'farm' them in hatcheries like we do 'muskie's' etc. and then put them into the Potomac above Dam 5? The money saved could be spent on canal improvements and renovation, such as repairing the Cushwa Basin Aquaduct and renovating other sections of the canal for public use and enjoyment.

Organization:

Commenter: Richard J Nye **Page:** **Paragraph:**
Kept Private: No

IP100 ISSUES - Park management issues (Substantive)

Correspondence Id: 9 **Comment Id:** 39497 **Coder's Initials:** JEANNETTE_DAWSON

Comment Text: As owner/operator of the above mentioned facilities, Allegheny Energy Supply Company, LLC (AE) hereby provides comments to Project Scoping Report by National Park Service (NPS)/ Department of the Interior in regards to the construction of the eel ladders on the NPS dams. AE has provided the funds for the initial purchase and installation of the eel ladders as part of our negotiations with the NPS under the Supplemental Agreement for dam use. AE has always taken the position that the eel ladder at Dam No. 4 should be placed on the Maryland side of the river. Because of the river topography, debris always collects on the West Virginia side of the river at the power house. Based on this fact, AE believes that constant repairs or replacement of the eel ladder will be necessary during high river flow. AE cannot take any responsibility for the eel ladder if it is placed at the hydro facility at Dam No. 4, which will be subject to the heavy debris load.

Organization: Allegheny Energy

Commenter: Charles L Simons **Page:** **Paragraph:**
Kept Private: No

Correspondence Id: 1 **Comment Id:** 38599 **Coder's Initials:** MANDY_KERSHNER

Comment Text: I am the owner of the Kemps Mill Dam on the Conococheague Creek which feeds into the Potomac at Cushwa Basin approx. 3 watermiles south. In conjunction with Maryland State permits, I constructed a fish ladder along the raceway adjacent to the dam and observed carp using it last year to go above the dam. I assume eels and other fish also use it to go upstream. A number of years ago during the permit process, I spoke with a Maryland Fisheries representative who was surprised as he observed small fish jumping over temporary fish ladder 'rungs' in my raceway, and he commented that the government had built million dollar fish ladders that didn't work, yet mine did. My concern is that again millions of public tax dollars will be used to plan and construct over-elaborate "eelways" at Dams 4 & 5 which likely will not work well enough to provide adequate 'payback' to the public.

Organization:

Commenter: Richard J Nye **Page:** **Paragraph:**
Kept Private: No

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Organization:

Commenter: Richard J Nye **Page:** **Paragraph:**
Kept Private: No

IV100 ISSUES - Visitor use or experience issues (Substantive)

Correspondence Id: 6 **Comment Id:** 39485 **Coder's Initials:** JEANNETTE_DAWSON

Comment Text: I frequently ride a bike along the Canal and enjoy resting at the dams before returning. I picnic at the dams on occasion too. I would love to have picnic tables insted of eelways.

Organization: C & O Canal Association

Commenter: Gary P McGinnis **Page:** **Paragraph:**
Kept Private: No

Correspondence Id: 6 **Comment Id:** 39484 **Coder's Initials:** JEANNETTE_DAWSON

Comment Text: I want to know how the eelway is going to affect the flat ground next to the dams on the Maryland side. is construction strictly going to be in the water or will there be damage and possible closure to the areas during construction?

Organization: C & O Canal Association

Commenter: Gary P McGinnis **Page:** **Paragraph:**
Kept Private: No

ON1000 Other NEPA Issues: General Comments (Substantive)

Correspondence Id: 10 **Comment Id:** 50850 **Coder's Initials:** JEANNETTE_DAWSON

Comment Text: Please review and implement an action plan to thoroughly address this extremely troubling issue. Media reports continue to underscore alleged widespread and rising eel fishery destruction in the Chesapeake Bay watershed area and Eastern seaboard, despite strong documentation indicating such problems exist. Please contact the appropriate stakeholders/personnel to turnaround these growing issues and concerns. Please coordinate, collaborate and cooperate on Federal, State and/or local jurisdictional levels in addressing these concerns potentially impacting adversely public policy, finances, trust, confidence, ecosystem, environment and quality of life issues. Thank you for your time in this matter and hope to hear from you soon.

Organization:

Commenter: Alex Balboa **Page:** **Paragraph:**
Kept Private: No

Correspondence Id: 10 **Comment Id:** 50849 **Coder's Initials:** JEANNETTE_DAWSON

Comment Text: I was reading the latest Associated Press article "Dam passageways allow eels to reclaim habitat" (By KAREN GARDNER, Feb 17, 2007) with great interest when I came across the following sentences: ...Eels were once plentiful in the Potomac River. Two federal agencies are now working to rebuild the eel population in its natural habitat. ...Alex Hoar, a biologist with the U.S. Fish and Wildlife Service's Northeast Regional Office in Hadley, Mass., has been working to restore the eel population to the Potomac. "We think the Potomac could be the first river on the East Coast opened for eels in accordance with the Atlantic States Marine Fisheries Commission's goals for eels," Hoar said. ...Eels historically made up 25 percent of the fish population of East Coast waterways. Hoar and other federal officials would like to help restore some of that population. "Only 10 percent of their historic range is unobstructed," Hoar said. ...Eels contribute to the overall health of an estuary because they were part of the original food chain, according to the Atlantic States Marine Fisheries Commission.

Organization:

Commenter: Alex Balboa **Page:** **Paragraph:**
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Organization:**Commenter:** Richard J Nye **Page:** **Paragraph:****Kept Private:** No**PN3000 Purpose And Need: Scope Of The Analysis (Substantive)****Correspondence Id:** 10 **Comment Id:** 50850 **Coder's Initials:** JEANNETTE_DAWSON

Comment Text: Please review and implement an action plan to thoroughly address this extremely troubling issue. Media reports continue to underscore alleged widespread and rising eel fishery destruction in the Chesapeake Bay watershed area and Eastern seaboard, despite strong documentation indicating such problems exist. Please contact the appropriate stakeholders/personnel to turnaround these growing issues and concerns. Please coordinate, collaborate and cooperate on Federal, State and/or local jurisdictional levels in addressing these concerns potentially impacting adversely public policy, finances, trust, confidence, ecosystem, environment and quality of life issues. Thank you for your time in this matter and hope to hear from you soon.

Organization:**Commenter:** Alex Balboa **Page:** **Paragraph:****Kept Private:** No**Correspondence Id:** 10 **Comment Id:** 50849 **Coder's Initials:** JEANNETTE_DAWSON

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Organization:**Commenter:** Alex Balboa **Page:** **Paragraph:****Kept Private:** No**Correspondence Id:** 9 **Comment Id:** 39497 **Coder's Initials:** JEANNETTE_DAWSON

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Organization: Allegheny Energy**Commenter:** Charles L Simons **Page:** **Paragraph:****Kept Private:** No**Correspondence Id:** 5 **Comment Id:** 39486 **Coder's Initials:** JEANNETTE_DAWSON

Comment Text: Hello. We are the Potomac River Smallmouth Club and we recently heard about a proposal to

build eel ladders on Dams Four and Five on the Potomac River, under your jurisdiction. We are commenting in support of the eel ladders. It sounds like a great project. We always favor projects that help expand the biodiversity of the Potomac, especially those that favor Smallmouth Bass. Throughout your NEPA process, and afterward, is there a place our members can go to track the progress of the project? Feel free to contact me via email. Regardless, we favor installation of the ladders to facilitate large-scale migration of the American eel from the Atlantic Ocean to the Potomac Headwaters. Thanks for managing our nation's cultural and natural resources.

Organization: Potomac River Smallmouth Club

Commenter: Aaron m Otte **Page:** **Paragraph:**

Kept Private: No

Correspondence Id: 4 **Comment Id:** 39487 **Coder's Initials:** JEANNETTE_DAWSON

Comment Text: Please expedite actions to install the eelways on Dams #4 and 5 on the Potomac River. As a catch and release angler, I am becoming very concerned with the natural habitat of the river for my and future generations. Restoring the eels is critical to preserving our river ecosystem.

Organization: Potomac R. Smallmouth Club

Commenter: Terrence Cooney **Page:** **Paragraph:**

Kept Private: No

Correspondence Id: 6 **Comment Id:** 39485 **Coder's Initials:** JEANNETTE_DAWSON

Comment Text: I frequently ride a bike along the Canal and enjoy resting at the dams before returning. I picnic at the dams on occasion too. I would love to have picnic tables insted of eelways.

Organization: C & O Canal Association

Commenter: Gary P McGinnis **Page:** **Paragraph:**

Kept Private: No

Correspondence Id: 6 **Comment Id:** 39482 **Coder's Initials:** SUZIE_BOLTZ

Comment Text: My first question is in regards to teh need for eelways. How do the eels get around Great Falls? If a small dam is an impediment then it would not seem possible for the eel to get past the height of the falls.

Organization: C & O Canal Association

Commenter: Gary P McGinnis **Page:** **Paragraph:**

Kept Private: No

Correspondence Id: 3 **Comment Id:** 39308 **Coder's Initials:** LYNNE_WIGFIELD

Comment Text: After reviewing the Fishery Management Report No. 36 of the Atlantic States Marine Fisheries Commission, dtd April, 2000, and the C & O Canal NHP Project Scoping, Environmental Assessment for Eelways - Historic Dams # 4 & 5 on the Potomac River, Washington County, MD., dtd Jan 8, 2007, I support building the eelways in one form or another. They appear to be effective in supporting the migration of eels to their historic habitat and will be beneficial in restoring the eel population. I have no opinion on which design is the best, but wish to go on record as supporting moving out on this porject.

Organization:

Commenter: Thomas Lightfoot **Page:** **Paragraph:**

Kept Private: No

Correspondence Id: 8 **Comment Id:** 39495 **Coder's Initials:** JEANNETTE_DAWSON

Comment Text: The U.S. Fish and Wildlife Service has shown that Dams #4 and 5 are impediments to upstream eelway passage, and successful eelways on nearby dams have clearly shown their effectiveness in allowing eels to pass upstream in large numbers. These proposed eelways would improve access to and open 120 river miles of critical eel habitat for feeding and growth. The ability of the eel, especially females, to access far inland freshwater

habitats in the watershed has been shown to be an important factor to ensure the development of larger females that possess a higher reproductive potential than females that are found lower in the basin.

Organization: The Nature Conservancy

Commenter: Stephanie Flack **Page:** **Paragraph:**

Kept Private: No

Correspondence Id: 8 **Comment Id:** 39494 **Coder's Initials:** JEANNETTE_DAWSON

Comment Text: On behalf of The Nature Conservancy we would like to voice our support for the construction of eelways on Dams #4 & 5 on the Potomac River to promote restoration of American eel to more of their historic range, provided that continued safe downstream passage at the dams is ensured as well. The American eel is a long-lived, catadromous fish species which occupies a significant and unique niche in the Atlantic coastal drainages. The American eel is a panmictic species that appears to be in decline throughout its entire range. In the 2000 management plan for the American eel, the Atlantic States Marine Fisheries Commission set objectives to restore eel to waters where they had historical abundance by providing access. This plan reports that, as of 2000, only 11% of historic eel habitat (in river miles) in the Potomac River Basin were fully accessible to eel.

Organization: The Nature Conservancy

Commenter: Stephanie Flack **Page:** **Paragraph:**

Kept Private: No

Correspondence Id: 7 **Comment Id:** 39492 **Coder's Initials:** JEANNETTE_DAWSON

Comment Text: Approx. 10 years a FTWS biologist suggested removing dams #4 and #5, following a nationwide effort to remove barriers on US waterways. He was told that MD DNR and the citizens of Washington County would not support his proposal before it ever reached NPS, or perhaps it did. During several years of negotiations w/ Allegheny Power, MD DNR supported an eel ladder and did not support a fish ladder because the ladder potentially offered less restoration/enhance of fish than the former, which was much less expensive, more functional/successful, and was less unusual. Fish populations are similar above and below dams #4 and offering little justification for a fish ladder, however the dams are an obstacle for, at present, the rivers only migratory fish, the American Eel. Installation of eel ladders would muffle future cries for dam removal.

Organization:

Commenter: Ed Enamait **Page:** **Paragraph:**

Kept Private: No

Correspondence Id: 7 **Comment Id:** 39491 **Coder's Initials:** JEANNETTE_DAWSON

Comment Text: Limit ladder evaluation study to one or two years with possible follow up every 5 years. Environmental researches tend to over-study nature in an attempt to make a perfect prediction-something that remains an impossible task when dealing with Mother Nature.

Organization:

Commenter: Ed Enamait **Page:** **Paragraph:**

Kept Private: No

Correspondence Id: 7 **Comment Id:** 39490 **Coder's Initials:** JEANNETTE_DAWSON

Comment Text: I would suggest a very simple design that has a past history of "working" on passing eels. This may lessen construction costs so that ladders might be duplicated (a back-up ladder) during initial construction which would certainly be more economical than a subsequent construction effort. I believe it would be irresponsible to assume that the ladders will not be damaged or completely removed during a Potomac River flood event regardless of human actions taken prior to this event.

Organization:

Commenter: Ed Enamait **Page:** **Paragraph:**

Kept Private: No

Correspondence Id: 1 **Comment Id:** 38598 **Coder's Initials:** LYNNE_WIGFIELD

Comment Text: Specifically, I'd like to know why more eels are important or good for us, anyway? And why not 'farm' them in hatcheries like we do 'muskies' etc. and then put them into the Potomac above Dam 5? The money saved could be spent on canal improvements and renovation, such as repairing the Cushwa Basin Aquaduct and renovating other sections of the canal for public use and enjoyment.

Organization:

Commenter: Richard J Nye **Page:** **Paragraph:**

Kept Private: No

PN8000 Purpose And Need: Objectives In Taking Action (Substantive)

Correspondence Id: 10 **Comment Id:** 50850 **Coder's Initials:** JEANNETTE_DAWSON

Comment Text: Please review and implement an action plan to thoroughly address this extremely troubling issue. Media reports continue to underscore alleged widespread and rising eel fishery destruction in the Chesapeake Bay watershed area and Eastern seaboard, despite strong documentation indicating such problems exist. Please contact the appropriate stakeholders/personnel to turnaround these growing issues and concerns. Please coordinate, collaborate and cooperate on Federal, State and/or local jurisdictional levels in addressing these concerns potentially impacting adversely public policy, finances, trust, confidence, ecosystem, environment and quality of life issues. Thank you for your time in this matter and hope to hear from you soon.

Organization:

Commenter: Alex Balboa **Page:** **Paragraph:**

Kept Private: No

Correspondence Id: 10 **Comment Id:** 50849 **Coder's Initials:** JEANNETTE_DAWSON

Comment Text: I was reading the latest Associated Press article "Dam passageways allow eels to reclaim habitat" (By KAREN GARDNER, Feb 17, 2007) with great interest when I came across the following sentences: ...Eels were once plentiful in the Potomac River. Two federal agencies are now working to rebuild the eel population in its natural habitat. ...Alex Hoar, a biologist with the U.S. Fish and Wildlife Service's Northeast Regional Office in Hadley, Mass., has been working to restore the eel population to the Potomac. "We think the Potomac could be the first river on the East Coast opened for eels in accordance with the Atlantic States Marine Fisheries Commission's goals for eels," Hoar said. ...Eels historically made up 25 percent of the fish population of East Coast waterways. Hoar and other federal officials would like to help restore some of that population. "Only 10 percent of their historic range is unobstructed," Hoar said. ...Eels contribute to the overall health of an estuary because they were part of the original food chain, according to the Atlantic States Marine Fisheries Commission.

Organization:

Commenter: Alex Balboa **Page:** **Paragraph:**

Kept Private: No

Correspondence Id: 3 **Comment Id:** 39308 **Coder's Initials:** LYNNE_WIGFIELD

Comment Text: After reviewing the Fishery Management Report No. 36 of the Atlantic States Marine Fisheries Commission, dtd April, 2000, and the C & O Canal NHP Project Scoping, Environmental Assessment for Eelways - Historic Dams # 4 & 5 on the Potomac River, Washington County, MD., dtd Jan 8, 2007, I support building the eelways in one form or another. They appear to be effective in supporting the migration of eels to their historic habitat and will be beneficial in restoring the eel population. I have no opinion on which design is the best, but wish to go on record as supporting moving out on this project.

Organization:

Commenter: Thomas Lightfoot **Page:** **Paragraph:**

Kept Private: No

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Comment Text: The U.S. Fish and Wildlife Service has shown that Dams #4 and 5 are impediments to upstream eelway passage, and successful eelways on nearby dams have clearly shown their effectiveness in allowing eels to pass upstream in large numbers. These proposed eelways would improve access to and open 120 river miles of critical eel habitat for feeding and growth. The ability of the eel, especially females, to access far inland freshwater habitats in the watershed has been shown to be an important factor to ensure the development of larger females that possess a higher reproductive potential than females that are found lower in the basin.

Organization: The Nature Conservancy

Commenter: Stephanie Flack **Page:** **Paragraph:**

Kept Private: No

Correspondence Id: 7 **Comment Id:** 39492 **Coder's Initials:** JEANNETTE_DAWSON

Comment Text: Approx. 10 years a FTWS biologist suggested removing dams #4 and #5, following a nationwide effort to remove barriers on US waterways. He was told that MD DNR and the citizens of Washington County would not support his proposal before it ever reached NPS, or perhaps it did. During several years of negotiations w/ Allegheny Power, MD DNR supported an eel ladder and did not support a fish ladder because the ladder potentially offered less restoration/enhance of fish than the former, which was much less expensive, more functional/successful, and was less unusual. Fish populations are similar above and below dams #4 and offering little justification for a fish ladder, however the dams are an obstacle for, at present, the rivers only migratory fish, the American Eel. Installation of eel ladders would muffle future cries for dam removal.

Organization:

Commenter: Ed Enamait **Page:** **Paragraph:**

Kept Private: No

Correspondence Id: 1 **Comment Id:** 38599 **Coder's Initials:** MANDY_KERSHNER

Comment Text: I am the owner of the Kemps Mill Dam on the Conococheague Creek which feeds into the Potomac at Cushwa Basin approx. 3 watermiles south. In conjunction with Maryland State permits, I constructed a fish ladder along the raceway adjacent to the dam and observed carp using it last year to go above the dam. I assume eels and other fish also use it to go upstream. A number of years ago during the permit process, I spoke with a Maryland Fisheries representative who was surprised as he observed small fish jumping over temporary fish ladder 'rungs' in my raceway, and he commented that the government had built million dollar fish ladders that didn't work, yet mine did. My concern is that again millions of public tax dollars will be used to plan and construct over-elaborate "eelways" at Dams 4 & 5 which likely will not work well enough to provide adequate 'payback' to the public.

Organization:

Commenter: Richard J Nye **Page:** **Paragraph:**

Kept Private: No

Correspondence Id: 1 **Comment Id:** 38598 **Coder's Initials:** LYNNE_WIGFIELD

Comment Text: Specifically, I'd like to know why more eels are important or good for us, anyway? And why not 'farm' them in hatcheries like we do 'muskies' etc. and then put them into the Potomac above Dam 5? The money saved could be spent on canal improvements and renovation, such as repairing the Cushwa Basin Aquaduct and renovating other sections of the canal for public use and enjoyment.

Organization:

Commenter: Richard J Nye **Page:** **Paragraph:**

Kept Private: No

PO4000 Park Operations: Impact Of Proposal And Alternatives (Substantive)

Correspondence Id: 7 **Comment Id:** 39490 **Coder's Initials:** JEANNETTE_DAWSON

Comment Text: I would suggest a very simple design that has a past history of "working" on passing eels. This may lessen construction costs so that ladders might be duplicated (a back-up ladder) during initial construction which would certainly be more economical than a subsequent construction effort. I believe it would be irresponsible to assume that the ladders will not be damaged or completely removed during a Potomac River flood event regardless of human actions taken prior to this event.

Organization:

Commenter: Ed Enamait **Page:** **Paragraph:**

Kept Private: No

VS4000 Visitor Conflicts And Safety: Impact Of Proposal And Alternatives (Substantive)

Correspondence Id: 7 **Comment Id:** 39489 **Coder's Initials:** JEANNETTE_DAWSON

Comment Text: Do you have any additional suggestions or comments? The choice of alter B would lesson the minimal impacts upon the NPS environment and opinions relating to this impact. Installation near the power plants will have advantages of: (1) electric power supply (2) relatively isolated location that would lesson concerns about public safety and vandalism. Regardless of a MD or WV location I would suspect minimal vandalism of the ladder itself, but a higher potential on the eel collection device by area fishermen as eels are an excellent bait for catching rockfish (striped bass) or crabs in the Cheapeake Bay. (3) Allegheny employee may be moved to react quickly to a rising water or other mother nature threats to the eel ladder. Despite their presence at the plants being only occasional it may still be more often than workers/volunteers on the MD side to be able to observe possible problems that require corrective action. (4) Less visual impact upon NPS property. This will also result in less visitor use and experience of the natural aquatic resouces in the Potomac River, but perhaps enhance/maintain the experience for those strictly interested in the cultural and history of the towpath. It's my limited judgement that there are more general recreationists utilizing this area that the latter.

Organization:

Commenter: Ed Enamait **Page:** **Paragraph:**

Kept Private: No

Correspondence Id: 7 **Comment Id:** 39488 **Coder's Initials:** JEANNETTE_DAWSON

Comment Text: That NPS should chose Alter A. based upon a subject evaluation of aesthetics, public safety, or impact upon archaeological/cultural resources. Choosing Alernative B, (I prefer), C, or D would favorably impact living resources and diversity in the aquatic environment of the Potomac River.

Organization:

Commenter: Ed Enamait **Page:** **Paragraph:**

Kept Private: No

APPENDIX B

AGENCY CONSULTATION

Initial Consultation



WEST VIRGINIA
DIVISION OF
CULTURE & HISTORY

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

Phone 304.558.0220
Fax 304.558.2779
TDD 304.558.3562
www.wvculture.org

EEO/AA Employer

February 8, 2007

2007 FEB 15 PM 2 29

Mr. Kevin D. Brandt
Superintendent
US DOI
1850 Dual Highway
Hagerstown, MD 21740

RE: Establishment of Eelway Passages on the Potomac River
at Dams # 4 and # 5
FR#: 07-360-Multi

Dear Mr. Brandt:

We have reviewed the above referenced project to determine its effects to cultural resources. The following comments are offered under West Virginia Code 29-1-8,

It is our understanding the United States Department of the Interior, National Park Service is proposing to establish eelway passages on the Potomac River at historic dams #4 and #5.

Architectural Resources:

The West Virginia State Historic Preservation Office received an email from Lynne Wigfield on January 5, 2007 along with a copy of the Chesapeake and Ohio Canal National Historical Park Project Scoping announcement for this project. We replied to Ms. Wigfield on January 8 that we would not be able to attend and appreciated the advanced notice. Other than Dam #4 and #5 our records do not indicate any historic resources eligible for inclusion in the National Register of Historic Places within the area of potential effect. However, as mentioned in our email we look forward to reviewing the decision document and to working with your office if West Virginia is included in the chosen Alternative.

Archaeological Resources:

A search of our records indicates that there are no previously recorded archaeological sites within the general vicinity of Dams # 4 and #5. It is our understanding that there are no ground disturbing activities proposed for land within West Virginia. Provided that this is the case, this project will have no effect to archaeological sites that may be eligible for or listed in the National Register of Historic Places. Please notify us if ground disturbing activities will occur within West Virginia.

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

Sincerely,

Susan M. Pierce
Deputy State Historic Preservation Officer

SMP/LAL/GW

Agency Consultation Letters



United States Department of the Interior

NATIONAL PARK SERVICE
C&O Canal National Historical Park
1850 Dual Highway, Suite 100
Hagerstown, Maryland 21740

IN REPLY REFER TO:

D22 (CHOH)

November 13, 2008

Mary J. Ratnaswamy, Ph.D.
Deputy Field Supervisor (Acting)
USFWS
Chesapeake Bay Field Office
177 Admiral Cochrane Drive
Annapolis, Maryland 21401

Dear Ms. Ratnaswamy:

In accordance with the National Environmental Policy Act (NEPA) of 1969, the National Park Service (NPS) is preparing an environmental assessment for the proposed construction of upstream passage for American eel (*Anguilla rostrata*) at Dams 4 and 5 of the Chesapeake and Ohio National Historical Park (the "park"). Dams 4 and 5 were built by the Chesapeake and Ohio Canal Company to supply water for their canal operations in 1834. Dam 4 is located on the Potomac River (Mile 84) in West Virginia approximately four miles northwest of the Town of Shepherdstown, in Berkeley and Jefferson Counties (Figure 1). Dam 5 is also located on the Potomac River (Mile 104) in West Virginia approximately five miles northeast of the Town of Hedgesville, in Berkeley County (Figure 1).

The American eel is a catadromous species that historically occurred in virtually every stream on the Eastern Seaboard. The population has been declining throughout its range primarily due to exclusion from historic habitats by dams. The American eel currently does not have any means of passage around Dams 4 and 5. The proposed action is taken in the context of an ongoing effort by the United States Fish and Wildlife Service and NPS, in cooperation with Allegheny Energy to restore American eel populations in the Potomac River by providing safe passage for eels around dams throughout the Potomac River watershed. The goal in taking this action is to fulfill the need of upstream American eel passage while avoiding impairment of park resources, including both fish and wildlife resources and the historic fabric of the park.

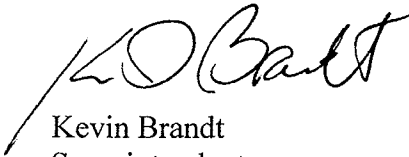
The proposed project is to install one eelway at each dam. Initial alternatives considered for the environmental assessment include the following:

- 1) Construction of passageways near the West Virginia shoreline.
- 2) Construction of passageways near the Maryland shoreline.
- 3) Construction of one passageway on the Maryland shoreline and one passageway on the West Virginia shoreline.

The purpose of this letter is to inform you of the proposed project, to request data or information you may have on resources potentially affected by the proposed project, and to request comments on the proposed action. In accordance with Section 7(c)(1) of the Endangered Species Act, we are requesting information on whether any proposed or listed species or their critical habitats are present within the project sites.

Your response within 30 days from the date of receipt of this letter will be greatly appreciated. Please forward written comments to Lynne Wigfield, Compliance Officer, Chesapeake and Ohio Canal NHP, 1850 Dual Highway, Suite 100, Hagerstown, MD 21750. If you have questions regarding this request, Ms. Wigfield can be reached at (301) 745-5802. Thank you for your assistance. Letters have also been sent to the agencies listed in Enclosure 1.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin Brandt", with a stylized flourish at the end.

Kevin Brandt
Superintendent

Enclosures

cc: Suzanne Boltz, EA Engineering, Science, & Technology, Inc.



United States Department of the Interior

NATIONAL PARK SERVICE
C&O Canal National Historical Park
1850 Dual Highway, Suite 100
Hagerstown, Maryland 21740

IN REPLY REFER TO:

D22 (CHOH)

November 13, 2008

J. Rodney Little, Director
Division of Historical-Cultural Programs
100 Community Place
Crownsville, Maryland 21032

Dear Mr. Little:

In accordance with the National Environmental Policy Act (NEPA) of 1969, the National Park Service (NPS) is preparing an environmental assessment for the proposed construction of upstream passage for American eel (*Anguilla rostrata*) at Dams 4 and 5 of the Chesapeake and Ohio National Historical Park (the "park"). Dams 4 and 5 were built by the Chesapeake and Ohio Canal Company to supply water for their canal operations in 1834. Dam 4 is located on the Potomac River (Mile 84) in West Virginia approximately four miles northwest of the Town of Shepherdstown, in Berkeley and Jefferson Counties (Figure 1). Dam 5 is also located on the Potomac River (Mile 104) in West Virginia approximately five miles northeast of the Town of Hedgesville, in Berkeley County (Figure 1).

The American eel is a catadromous species that historically occurred in virtually every stream on the Eastern Seaboard. The population has been declining throughout its range primarily due to exclusion from historic habitats by dams. The American eel currently does not have any means of passage around Dams 4 and 5, although small voids within the dam have allowed a small population to migrate upstream. The proposed action is taken in the context of an ongoing effort by the United States Fish and Wildlife Service and NPS, in cooperation with Allegheny Energy to restore greater American eel populations in the Potomac River by providing safe passage for eels around dams throughout the Potomac River watershed. The goal in taking this action is to fulfill the need of upstream American eel passage while avoiding impairment of park resources, including both fish and wildlife resources and the historic fabric of the park.

The proposed project is to install one eelway at each dam. Initial alternatives considered for the environmental assessment include the following:


- 1) Construction of passageways near the West Virginia shoreline.
- 2) Construction of passageways near the Maryland shoreline.
- 3) Construction of one passageway on the Maryland shoreline and one passageway on the West Virginia shoreline.

On October 16, 2008, Sam Tamburro, Acting Chief of Resources, and Lynne Wigfield, Compliance Officer, met with Jonathan Sager, of your staff, to review preliminary information pertaining to the project. Mr. Tamburro and Ms. Wigfield presented an overview of the project planning to date and provided copies of concept drawings. Photographs of the project sites were reviewed. The purpose of the meeting was to determine if there were any obvious concerns that would need to be addressed before the compliance process moved forward. Mr. Sager conveyed that he would need further information on design details before he could assess the level of impacts to historic Dams 4 and 5 and associated structures and landscapes.

Mr. Sager indicated that the Section 106 of the National Historic Preservation Act requirements could be addressed within the environmental assessment document.

We will be forwarding further information to Mr. Sager's attention as project details are developed. If you have any questions, please contact Lynne Wigfield at (301) 745-5802. Thank you for your assistance. Letters have also been sent to the agencies listed in Enclosure 1.

Sincerely,



Kevin Brandt
Superintendent

Enclosures

cc: Suzanne Boltz, Project Manager, EA Engineering, Science, & Technology, Inc.



United States Department of the Interior

NATIONAL PARK SERVICE
C&O Canal National Historical Park
1850 Dual Highway, Suite 100
Hagerstown, Maryland 21740

IN REPLY REFER TO:

D22 (CHOH)

November 13, 2008

Pat Scida, Supervisor
NOAA NMFS
Northeast Regional Office
1 Blackburn Drive
Gloucester, Massachusetts 01930

Dear Mr. Scida:

In accordance with the National Environmental Policy Act (NEPA) of 1969, the National Park Service (NPS) is preparing an environmental assessment for the proposed construction of upstream passage for American eel (*Anguilla rostrata*) at Dams 4 and 5 of the Chesapeake and Ohio National Historical Park (the "park"). Dams 4 and 5 were built by the Chesapeake and Ohio Canal Company to supply water for their canal operations in 1834. Dam 4 is located on the Potomac River (Mile 84) in West Virginia approximately four miles northwest of the Town of Shepherdstown, in Berkeley and Jefferson Counties (Figure 1). Dam 5 is also located on the Potomac River (Mile 104) in West Virginia approximately five miles northeast of the Town of Hedgesville, in Berkeley County (Figure 1).

The American eel is a catadromous species that historically occurred in virtually every stream on the Eastern Seaboard. The population has been declining throughout its range primarily due to exclusion from historic habitats by dams. The American eel currently does not have any means of passage around Dams 4 and 5. The proposed action is taken in the context of an ongoing effort by the United States Fish and Wildlife Service and NPS, in cooperation with Allegheny Energy to restore American eel populations in the Potomac River by providing safe passage for eels around dams throughout the Potomac River watershed. The goal in taking this action is to fulfill the need of upstream American eel passage while avoiding impairment of park resources, including both fish and wildlife resources and the historic fabric of the park.

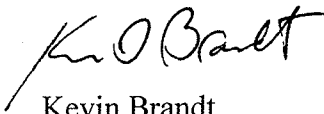
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The purpose of this letter is to inform you of the proposed project, to request data or information you may have on resources potentially affected by the proposed project, and to request comments on the proposed action. In accordance with Section 7(c)(1) of the Endangered Species Act, we are requesting information on whether any proposed or listed species or their critical habitats are present within the project sites.

Your response within 30 days from the date of receipt of this letter will be greatly appreciated. Please forward written comments to Lynne Wigfield, Compliance Officer, Chesapeake and Ohio Canal NHP, 1850 Dual Highway, Suite 100, Hagerstown, MD 21750. If you have questions regarding this request, Ms. Wigfield can be reached at (301) 745-5802. Thank you for your assistance. Letters have also been sent to the agencies listed in Enclosure 1.

Sincerely,

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Kevin Brandt
Superintendent

Enclosures

cc: Suzanne Boltz, Project Manager, EA Engineering, Science, & Technology, Inc.



United States Department of the Interior

NATIONAL PARK SERVICE
C&O Canal National Historical Park
1850 Dual Highway, Suite 100
Hagerstown, Maryland 21740

IN REPLY REFER TO:

D22 (CHOH)

November 13, 2008

Susan Pierce, Director
Deputy State Historic Preservation Officer
West Virginia Division of Culture and History
1900 Kanawha Boulevard East
Charleston, West Virginia 25305-0300

Dear Ms. Pierce:

In accordance with the National Environmental Policy Act (NEPA) of 1969, the National Park Service (NPS) is preparing an environmental assessment for the proposed construction of upstream passage for American eel (*Anguilla rostrata*) at Dams 4 and 5 of the Chesapeake and Ohio National Historical Park (the "park"). Dams 4 and 5 were built by the Chesapeake and Ohio Canal Company to supply water for their canal operations in 1834. Dam 4 is located on the Potomac River (Mile 84) in West Virginia approximately four miles northwest of the Town of Shepherdstown, in Berkeley and Jefferson Counties (Figure 1). Dam 5 is also located on the Potomac River (Mile 104) in West Virginia approximately five miles northeast of the Town of Hedgesville, in Berkeley County (Figure 1).

The American eel is a catadromous species that historically occurred in virtually every stream on the Eastern Seaboard. The population has been declining throughout its range primarily due to exclusion from historic habitats by dams. The American eel currently does not have any means of passage around Dams 4 and 5. The proposed action is taken in the context of an ongoing effort by the United States Fish and Wildlife Service and NPS, in cooperation with Allegheny Energy to restore American eel populations in the Potomac River by providing safe passage for eels around dams throughout the Potomac River watershed. The goal in taking this action is to fulfill the need of upstream American eel passage while avoiding impairment of park resources, including both fish and wildlife resources and the historic fabric of the park.

The proposed project is to install one eelway at each dam. Initial alternatives considered for the environmental assessment include the following:

- 1) Construction of passageways near the West Virginia shoreline.
- 2) Construction of passageways near the Maryland shoreline.
- 3) Construction of one passageway on the Maryland shoreline and one passageway on the West Virginia shoreline.

The purpose of this letter is to inform you of the proposed project, to request data or information you may have on resources potentially affected by the proposed project, and to request comments on the proposed action. In accordance with Section 106 of the National Historic Preservation Act, we are requesting information on whether any proposed or listed historic properties are present within the project sites. We are anticipating the inclusion of the Section 106 information within the environmental assessment document.

Your response within 30 days from the date of receipt of this letter will be greatly appreciated. Please forward written comments to Lynne Wigfield, Compliance Officer, Chesapeake and Ohio Canal NHP, 1850 Dual Highway, Suite 100, Hagerstown, MD 21750. If you have questions regarding this request, Ms. Wigfield can be reached at (301) 745-5802. Thank you for your assistance. Letters have also been sent to the agencies listed in Enclosure 1.

Sincerely,

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Kevin Brandt
Superintendent

Enclosures

cc: Suzanne Boltz, EA Engineering, Science, & Technology, Inc.



United States Department of the Interior

NATIONAL PARK SERVICE
C&O Canal National Historical Park
1850 Dual Highway, Suite 100
Hagerstown, Maryland 21740

IN REPLY REFER TO:

D22 (CHOH)

November 13, 2009

Lori A. Byrne, Environmental Review Specialist
Maryland DNR Wildlife and Heritage Service
Tawes State Office Building, E-1
580 Taylor Avenue
Annapolis, Maryland 21401

Dear Ms. Bryne:

In accordance with the National Environmental Policy Act (NEPA) of 1969, the National Park Service (NPS) is preparing an environmental assessment for the proposed construction of upstream passage for American eel (*Anguilla rostrata*) at Dams 4 and 5 of the Chesapeake and Ohio National Historical Park (the "park"). Dams 4 and 5 were built by the Chesapeake and Ohio Canal Company to supply water for their canal operations in 1834. Dam 4 is located on the Potomac River (Mile 84) in West Virginia approximately four miles northwest of the Town of Shepherdstown, in Berkeley and Jefferson Counties (Figure 1). Dam 5 is also located on the Potomac River (Mile 104) in West Virginia approximately five miles northeast of the Town of Hedgesville, in Berkeley County (Figure 1).

The American eel is a catadromous species that historically occurred in virtually every stream on the Eastern Seaboard. The population has been declining throughout its range primarily due to exclusion from historic habitats by dams. The American eel currently does not have any means of passage around Dams 4 and 5. The proposed action is taken in the context of an ongoing effort by the United States Fish and Wildlife Service and NPS, in cooperation with Allegheny Energy to restore American eel populations in the Potomac River by providing safe passage for eels around dams throughout the Potomac River watershed. The goal in taking this action is to fulfill the need of upstream American eel passage while avoiding impairment of park resources, including both fish and wildlife resources and the historic fabric of the park.


The proposed project is to install one eelway at each dam. Initial alternatives considered for the environmental assessment include the following:

- 1) Construction of passageways near the West Virginia shoreline.
- 2) Construction of passageways near the Maryland shoreline.
- 3) Construction of one passageway on the Maryland shoreline and one passageway on the West Virginia shoreline.

The purpose of this letter is to inform you of the proposed project, to request data or information you may have on resources potentially affected by the proposed project, and to request comments on the proposed action. In accordance with Section 7(c)(1) of the Endangered Species Act, we are requesting information on whether any proposed or listed species or their critical habitats are present within the project sites.

Your response within 30 days from the date of receipt of this letter will be greatly appreciated. Please forward written comments to Lynne Wigfield, Compliance Officer, Chesapeake and Ohio Canal NHP, 1850 Dual Highway, Suite 100, Hagerstown, MD 21750. If you have questions regarding this request, Ms. Wigfield can be reached at (301) 745-5802. Thank you for your assistance. Letters have also been sent to the agencies listed in Enclosure 1.

Sincerely,



Kevin Brandt
Superintendent

Enclosures

cc: Suzanne Boltz, Project Manager, EA Engineering, Science, & Technology, Inc.

Agency Responses



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
55 Great Republic Drive
Gloucester, MA 01930-2276

Kevin Brandt
National Park Service
C&O Canal National Historical Park
1850 Dual Highway, Suite 100
Hagerstown, Maryland 21740

NOV 26 2008


12/1/8
K. Brandt
ST SCOTT
KB
L. LYNN W.
(LAST)

Dear Mr. Brandt,

This is in response to your letter dated November 13, 2008 regarding a project proposed by the National Park Service to construct eelways on Dams 4 and 5 of the Chesapeake and Ohio National Historical Park. Dam 4 (rkm 84) and Dam 5 (rkm 104) are located on the Potomac River in West Virginia.

While a population of the federally endangered shortnose sturgeon (*Acipenser brevirostrum*) is recognized to exist in the Chesapeake Bay, and several individuals have been captured in the Potomac River, no shortnose sturgeon are expected to occur within the proposed site of construction on Dams 4 and 5 of the Potomac River. No other federally listed or proposed threatened or endangered species and/or designated critical habitat for listed species under the jurisdiction of the NOAA's National Marine Fisheries Service (NMFS) are known to exist in Potomac River. Therefore, no consultation pursuant to Section 7 of the Endangered Species Act of 1973, as amended, is required. Should project plans change or new information become available that changes the basis for this determination, consultation should be reinitiated. If you have any questions about these comments, please contact Danielle Palmer at (978)281-9328 ext. 6518.

Sincerely,


for Mary A. Colligan
Assistant Regional Administrator
for Protected Resources

Cc: Nichols, F/NER4 – Annapolis

File Code: Sec 7 National Park Service Potomac River





WEST VIRGINIA
DIVISION OF
CULTURE & HISTORY

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

Phone 304.558.0220
Fax 304.558.2779
TDD 304.558.3562
www.wvculture.org

EEO/AA Employer

December 8, 2008

Mr. Kevin D. Brandt
Superintendent
US DOI
1850 Dual Highway
Hagerstown, MD 21740

RE: Establishment of Eelway Passages on the Potomac River
at Dams # 4 and # 5
FR#: 07-360-Multi-1

Dear Mr. Brandt:

We have reviewed the above referenced project to determine its effects to cultural resources. As required by Section 106 of the National Historic Preservation Act of 1966, as amended, and its implementing regulations, 36 CFR 800: "Protection of Historic Properties," we submit our comments.

It is our understanding the United States Department of the Interior, National Park Service is proposing to establish eelway passages on the Potomac River at historic dams #4 and #5.

Architectural Resources:

According to the information submitted the US DOI proposes to construct eel passages around Dams #4 and #5 near the West Virginia Shoreline. Dams #4 and #5 are listed in the National Register of Historic Places as a part of the Chesapeake and Ohio Canal National Historical Park.

It is our understanding that the work to be completed near the West Virginia Shoreline is described as Alternative B in the Project Scoping document dated January 8-February 10, 2007. In our opinion, the proposed project will have no adverse effect to any architectural or structural resources eligible for or listed in the National Register of Historic Places in West Virginia. No further consultation is necessary regarding architectural or structural resources. However, we do request the opportunity for further comment should there be any changes to the proposed project.

We appreciate the opportunity to be of service. *If you have questions regarding our comments or the Section 106 process, please contact Ginger Williford, Structural Historian, at (304) 558-0240.*

Sincerely,

Susan M. Pierce
Deputy State Historic Preservation Officer

SMP/GW



008 DEC 8 PM 3 42

DIVISION OF NATURAL RESOURCES

**Wildlife Resources Section
Operations Center
P.O. Box 67**

**Elkins, West Virginia 26241-3235
Telephone (304) 637-0245
Fax (304) 637-0250**

December 4, 2008

**Joe Manchin III
Governor**

**Frank Jezioro
Director**

Ms. Lynne Wigfield
National Park Service
C&O Canal National Historical Park
1850 Dual Highway, Suite 100
Hagerstown, MD 21740

Dear Ms. Wigfield:

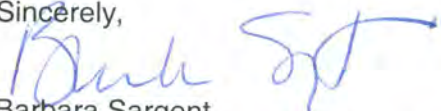
We have reviewed our files for information on rare, threatened and endangered (RTE) species and sensitive habitats for the area of the proposed American eel passageways at Dams 4 and 5 on the Potomac River in Jefferson and Berkeley counties, WV.

We have no known records of any RTE species or sensitive habitats within the project area, except for the American eel which will benefit from this project. The Wildlife Resources Section knows of no surveys that have been conducted in the area for rare species or rare species habitat. Consequently, this response is based on information currently available and should not be considered a comprehensive survey of the area under review.

The information provided above is the product of a database search and retrieval. This information does not satisfy other consultation or permitting requirements for disturbances to the natural resources of the state. If your project will directly impact the waters of the state or cause a "take" of fish and/or wildlife, consultation may be required. Requests for WV wildlife agency consultation should be directed to Mr. Roger Anderson at the address given in the letterhead or by email at rogeranderson@wvdnr.gov. Database requests for information on RTE species and sensitive habitats should still be directed to me.

Thank you for your inquiry, and should you have any questions please feel free to contact me at the above number, extension 2048.

Sincerely,


Barbara Sargent
Environmental Resources Specialist
Wildlife Diversity Program



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Chesapeake Bay Field Office
177 Admiral Cochrane Drive
Annapolis, MD 21401
410/573-4575



January 22, 2009

U. S. Department of the Interior
National Park Service
C&O Canal National Historical Park
1850 Dual Highway, Suite 100
Hagerstown, MD 21740

RE: D22(CHOH) Dams 4 & 5 of the Chesapeake and Ohio Canal Company.

Dear Kevin Brandt:

This responds to your letter, received November 13, 2009, requesting information on the presence of species which are federally listed or proposed for listing as endangered or threatened within the vicinity of the above reference project area. We have reviewed the information you enclosed and are providing comments in accordance with section 7 of the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*).

Except for occasional transient individuals, no federally proposed or listed endangered or threatened species are known to exist within the project impact area. Therefore, no Biological Assessment or further section 7 Consultation with the U.S. Fish and Wildlife Service is required. Should project plans change, or if additional information on the distribution of listed or proposed species becomes available, this determination may be reconsidered.

This response relates only to federally protected threatened or endangered species under our jurisdiction. For information on the presence of other rare species, you should contact Lori Byrne of the Maryland Wildlife and Heritage Division at (410) 260-8573.

Effective August 8, 2007, under the authority of the Endangered Species Act of 1973, as amended, the U.S. Fish and Wildlife Service (Service) removed (delist) the bald eagle in the lower 48 States of the United States from the Federal List of Endangered and Threatened Wildlife. However, the bald eagle will still be protected by the Bald and Golden Eagle Protection Act, Lacey Act and the Migratory Bird Treaty Act. As a result, starting on August 8, 2007, if your project may cause "disturbance" to the bald eagle, please consult the "National Bald Eagle Management Guidelines" dated May 2007.

If any planned or ongoing activities cannot be conducted in compliance with the National Bald Eagle Management Guidelines (Eagle Management Guidelines), please contact the Chesapeake Bay Ecological Services Field Office at 410-573-4573 for technical assistance. The Eagle Management Guidelines can be found at:

<http://www.fws.gov/migratorybirds/issues/BaldEagle/NationalBaldEagleManagementGuidelines.pdf>.

In the future, if your project can not avoid disturbance to the bald eagle by complying with the Eagle Management Guidelines, you will be able to apply for a permit that authorizes the take of bald and golden eagles under the Bald and Golden Eagle Protection Act, generally where the take to be authorized is associated with otherwise lawful activities. This proposed permit process will not be available until the Service issues a final rule for the issuance of these take permits under the Bald and Golden Eagle Protection Act.

An additional concern of the Service is wetlands protection. Federal and state partners of the Chesapeake Bay Program have adopted an interim goal of no overall net loss of the Basin's remaining wetlands, and the long term goal of increasing the quality and quantity of the Basin's wetlands resource base. Because of this policy and the functions and values wetlands perform, the Service recommends avoiding wetland impacts. All wetlands within the project area should be identified, and if construction in wetlands is proposed, the U.S. Army Corps of Engineers, Baltimore District, should be contacted for permit requirements. They can be reached at (410) 962-3670.

We appreciate the opportunity to provide information relative to fish and wildlife issues, and thank you for your interests in these resources. If you have any questions or need further assistance, please contact Devin Ray at (410) 573-4531.

Sincerely,

A handwritten signature in dark ink, appearing to read "Leopoldo Miranda Castro", written in a cursive style.

Leopoldo Miranda Castro
Field Supervisor



*Rev. J.
Kevin
Syme*

RECEIVED
2/4/07

Fisheries Service
Lewistown Work Center
10932 Putman Road
Thurmont, Maryland 21788

January 31, 2007

Mr. Kevin Brandt, Superintendent
C&O Canal National Historical Park
National Park Service
1850 Dual Highway, Suite 100
Hagerstown, Maryland 21740

Dear Superintendent Brandt,

The Maryland Department of Natural Resources, Fisheries Service, is providing the following comments regarding the construction of eelways at Dams 4 and 5 on the Potomac River. The Fisheries Service supports this endeavor to alleviate impediments to the upstream migration of this declining native fish species.

The Fisheries Service is in favor of option C – construction of passageways on the Maryland shoreline areas at both Dams 4 and 5, specifically option #3 at Dam 4 and option #2 at Dam 5. These options would be the least obtrusive to the historical structures and would provide the greatest protection to the eelway from river debris and ice as well as minimize the potential for vandalism. Both sites should provide a safely and readily accessible collection box to monitor eel passage. This will provide insight into how successfully eels use the structures and facilitate the collection of population data. Increased research and monitoring is one of the primary objectives specified by the Interstate Fishery Management Plan for the American Eel produced by the Atlantic States Marine Fisheries Commission.

Since the construction will require lowering the upstream pool, we request that this be done during mid to late summer to minimize any possible impacts the fluctuating water levels may have on spawning fish. Unfortunately, that period is a time of heavy recreational use and the lowered water levels may negatively impact boating access. Consideration should be given during the construction phase to minimizing the duration of pool drawdown.

Sincerely,

A handwritten signature in cursive script, appearing to read "John Mullican".

John Mullican
Maryland Department of Natural Resources,
Inland Fisheries Management Division

Cc: Bob Lunsford, Assistance Director, Inland Fisheries Management and Operations
Don Cosden, Director of Field Operations, Inland Fisheries
Greg Golden, MD Dept. of Nat. Res., Environmental Review Unit
Rich McLean, MD Dept. of Nat. Res., Power Plant Assessment Div.