

From: O Donnell, Bill - Morgantown, WV
Sent: Wednesday, May 27, 2009 7:20 PM
To: Yost, Pamela - Morgantown, WV; Wigal, Ron - Morgantown, WV
Subject: FW: Comments on Lost River Water Project Site 16 dam ...second draft EIS

-----Original Message-----

From: agramprie@aol.com [mailto:agramprie@aol.com]
Sent: Wednesday, May 27, 2009 4:52 PM
To: O Donnell, Bill - Morgantown, WV
Subject: Comments on Lost River Water Project Site 16 dam ...second draft EIS

Dear Mr. ODonnell,

I'm writing to submit my comments in response to the second draft EIS concerning the construction of the site 16 dam in the Lower Cove Run portion of the Lost River watershed project. I am a new resident in the area and the co-owner of a 16 acre parcel across lower Cove Run Road from the water containment area behind the dam.

My comments are centered around the general issues involved in this project. Specifically I understand that the need and benefits of the project are projected to be: a. To alleviate the potential of flood damage and b. To provide water for projected future development needs, to be available in times of drought, and to improve water quality primarily with regard to eliminating sediments and E. coli bacteria. I understand the plan is to focus on the construction of a dam at site 16, while two other alternatives -- to halt the project after the construction of the three existing dams, or to modify the site 4 dam to add a water supply component to the existing flood control structure -- have been rejected.

My first comment concerns one prominent issue that emerged from the comments section in appendix G. Several comments from the individuals who commented on the first EIS reflected the point mentioned in the EPA letter dated 10/24/2006. All of these comments centered around whether data for the site 16 project should be considered separately from the

data of the entire project. The response to these comments referred back to the response to the comment in the EPA letter which included the following: "the flood damage reduction benefits cited in this supplement are the result of the combined effects of site 4, 10, 16 and 27 and the land treatment measure. All four structures work together to provide the level of protection and reduction in flood damages described in this report and displayed in the tables."

This response is inadequate for two reasons. First, it is not a response to the point made in the EPA letter. The point of the EPA letter was that the NRCS had failed to provide data specifically relating to this site 16 dam and that this failure was a shortcoming of the initial EIS. Rather than provide the data requested, the NRCS

response simply repeats the observation of the writer of the EPA letter in that there is no specific information for the site 16 dam and acknowledges that all of the data for the site 16 dam is lumped together with data from the other three dams in the project. This response does not provide the information requested.

The second reason the NRCS response on this point is inadequate is that it is logically indefensible to consider all four dams as part of one system for the sake of a cost-benefit analysis. Ostensibly, "all four structures work together to provide the level of protection and reduction in flood damages described in this report ..." (NRCS's response to the EPA letter dated 10/24/06). The only inherent reason why the four dams would be required to be considered as a unit would be if they worked together as a system in the same sense that the individual systems within some machine, say an automobile engine, would all be equal required to work together in order to perform the fundamental purpose of the engine. In other words, the ignition system, the fuel system, the mechanical structures of piston in cylinders, and the air intake system are all required to perform individual functions in concert in order to achieve the fundamental purpose to convert the potential energy of gasoline and air into the kinetic energy that drives the wheels. Each of these subsystems performs a function unique unto itself not duplicated by the other subsystems. The failure of any individual subsystem results in the failure of the function of the entire engine.

This is not the case when looking at the four individual components of the Lost River watershed project. Each individual dam performs the identical function of the other dams in the system. Their effect is aggregate, increasing the magnitude but not the fundamental nature of their effect. Each individual damn can perform its function regardless of the function of the other dams. The effect of each damn can be quantified without reference to the functions of the other dams. The fact that this was not done in this EIS reflects more a choice, a preference, of those who prepared the report rather than any fundamental or inherent requirement imposed by this situation.

In fact, some data was included in the tables which allows a general cost-benefit analysis which addresses the points made in the EPA letter and in the comments mentioned above. Using data contained in tables 3 and 4 I've been able to produce my own table which compares the cost and some of the benefits of the site 16 project in comparison to the cost and benefits of the three dams already built. My table appears below:

	Total for existing	
Site 16	Total	Site 16
%of Whole		
	3 dams	

Floodwater retained		7,519 acre ft	
1,902 acre ft			
9,421 acre ft	20.2%		
Sediment submerged		874 " "	
212 " "	1,086 " "		19.5%
Water supply		400 " "	
400 " "	800 " "		50.0
%			

Cost (Total)		31,074,800	
29,324,100	60,398,900*		48.5%
Cost (Water Supply)		594,500	
3,149,400	3,743,900		84.1%

*number is approximately \$5 million lower the total cost of the project given in table 6. The cost of the site 16 project was the same in both tables. The difference lies in the projected costs for the existing three=2 Odams.

As in this table seems to indicate, the flood control and water quality benefits of the site 16 dam represent approximately 20% of the impact of the total project while the cost of the site 16 dam represents 50% of the cost of the entire project. With reference to these two criteria, it appears that the cost-benefit ratio of the site 16 project is far below that of the other projects. Using the cost-benefit ratio of the project as a whole as an argument for this site 16 project in itself is grossly misleading. Since it only took me about an hour to compile this table from the data presented in the EIS, I'm wondering why this analysis could not have been provided in the response to so many of the comments in appendix G.

My third comment refers to the portion of the table that deal with water supply. A cost-benefit analysis makes it clear that the cost for 400 acre feet of water behind the dam at site 16 will be six times higher than the cost of the 400 acre feet of water behind the existing dams. Of course I realize that the entire issue of water supply is not really that simple.

Issues about whether or not a water supply as large as the one proposed

is necessary, whether it should precede or follow residential or commercial development, or the accuracy of the data projecting growth are beyond me. But there are issues contained in the NRCS discussion

of the reasons why the alternative of modifying the dam at site for was rejected. For the sake of efficiency, I will present the relevant portion of the EIS that deals with the site 4 water supply alternative and then enclose my comments inside parentheses.

Site 4 is located on Kimsey Run, a tributary of Lost River. The dam site is located approximately one-half (0.5) mile west of the community of Lost River. This single-purpose flood control impoundment has a drainage area of 32.41 square miles. With this site's drainage area, it has potential for incorporating a dedicated and dependable water supply. Given this potential, the NRCS conducted an analysis of the costs and associated engineering requirements to add 400 acre-feet of water supply to Site 4. The investigation revealed that the elevation of top of dam, auxiliary spillway crest, and intake riser crest would have to be increased. These modifications would require the acquisition of at least 44 acres of land rights (property acquired in fee, flowage easements or a combination). The permanent pool would be raised approximately 5.5 feet in elevation. The existence of residences, buildings, roads and utilities within this area were not determined in this analysis. (What portion of the 44 acres of land rights would be easement? What sort of fees are paid for these easements and what impact do they have on the owners use of the land? If the land is pastureland, can it continue to be used as pasture land? What is the cost of acquiring the right to use these 44 acres compared to the cost of adding the water supply function to this site 16 project? Since satellite and aerial photography exists of this area, why was the existence of residences, buildings, roads and utilities within the area not included in this EIS?)

It is likely that Sponsors would have to use eminent domain to acquire additional land rights at Site 4. These land rights would need to be acquired from many of the same landowners that were impacted when Site 4 was built. (How many landowners are involved and in what way will they be impacted? Will they lose their homes? Will they lose farmland? What percentage of the farmland that they own will they lose to this project? Will a large farm lose a few acres or will an owner lose their entire farm? How do these impacts compared to similar impacts of the site 16 dam project?)

Construction modifications to Site 4 would require draining the lake for at least one construction season as the changes were made to the structure and appurtenances. There would be a loss of the established fishery for three to five years. (Raising the water level at site 4 by 5 feet will result in a larger, deeper body of water full of a more desirable variety of game fish. It may even allow the possibility of

anglers keeping a small number of bass. Would a larger and more productive fish habitat be more attractive to anglers than an additional habitat stocked with a less desirable species of fish?)

The costs associated with modifications to Site 4 would be approximately \$9,500,000. This amount does not include road and utility relocations or additional landrights. (How was this number derived? Are the numbers cited exclusively construction costs? Why does the amount not include road and utility relocations etc.? At this point, the \$9.5 million appears to have been pulled from thin air. I'm sure it wasn't, but this document offers no proof of that.)

The modification of Site 4 would result in adverse environmental effects. These include raising the permanent pool over five feet in elevation and the temporary or permanent inundation of additional acreage. This modification would also eliminate an established public fishery for 3 to 5 years and require relocation of roads and utilities for a second time. Adverse social impacts will result from the potential use of eminent domain to acquire private property from landowners who were previously impacted by the original construction of Site 4. (Some of the details in this section are a bit repetitive and were addressed in previous comments. Nowhere is there a comparison to similar impacts within this site 16 area. What is the inherent harm=20in doing things for the second time? Note that this EIS is being done for the second time.)

In addition, the cost of adding a water supply component to Site 4 exceeds the cost of including the water supply component at Site 16. The flood damage reduction benefits, incidental recreation, and other benefits afforded by Site 16 would not be achieved. (These appear to be the most substantive issues contained in this section. I will deal with them in full in a moment.)

For the reasons stated above, this alternative has been eliminated from further consideration. (Page 23 and 24 of the second draft of the EIS.)

There are some additional comments relating to the water supply comparison between modifying site 4 and building site 16.

1. The drainage area of the site 4 dam is 32.41 mi.². The drainage area of the proposed site 16 dam is 11.88 mi.². This suggests that the site 4 dam will be collecting rainwater from an area almost 3 times larger than the site 16 dam. It seems logical that this larger drainage basin will recharge much more quickly than the site 16 dam. I

found no information in this EIS that addresses this point, which seems relevant when considering the cost-benefit ratio of the water supply function of two sites.

2. The discretion of the site 4 water supply function limits
0Aconsideration to improvement of the site to provide 400 acre-feet of water. Is there any inherent reason why this site for water supply could not provide more than 400 acre-feet of water for a cost similar to the \$9.5 million price tag? If you can raise the water level 5 feet, why can't you raise it 6 feet?

3. The preparation of site 16 base in to be habitat for catfish suggests that the reservoir behind the site 16 dam will be warmer and slower moving water. This would appear to be more favorable habitat for the growth and proliferation of E. coli bacteria. I was not able to find where this point is discussed in this draft of the EIS. Discussion of E. coli appears limited to areas below the site 16 dam.

4. As mentioned above, this draft of the EIS contains the assertion that: "In addition, the cost of adding a water supply component to site four exceeds the cost of including the water supply component at site 16. The flood damage reduction benefits, incidental recreation, and other benefits afforded by site 16 would not be achieved." This comment contains two assertions. First, that the cost of adding water supply component at site for exceeds the cost of including the water supply component at site 16. This is only true if you compare the cost of adding the component to an existing dam at site for to the cost of adding that component to a proposed dam at site 16.20 In other words, after you pay the \$26 million it costs to make a proposed dam at site 16 a reality, then the water supply component will only cost and another \$3.3 million. If you compare the cost of adding the component to an existing dam at site for to the cost of the entire project at site 16, then you come to a far different conclusion.

This brings us to the second assertion: "the flood damage reduction benefits, incidental recreation, and other benefits afforded by site 16 would not be achieved." Those are the benefits which justify the other \$26 million of the site 16 cost. As was shown in my own table above, the cost-benefit ratio of these outcomes considered for site 16 alone fall far below the standard required to justify the project. In other words, once you have spent a large amount of money in a grossly inefficient way, then you can put a small benefit of water supply cost reduction on top. This is a dubious strategy.

My final point regarding the comments section in appendix G. refers to the letter written by the Army Corps of Engineers. I'm including the relevant comment and response:

"Department of the Army, Corps of Engineers letter of October 18, 2006

Comment: "The Pittsburgh District has the following comments on the DEIS:

1. An individual Department of the Army permit is required for this

work

2. A detailed Alternatives Analysis and Avoidance and Minimization

narrative commensurate with the impacts to wetlands and other Waters of the United States will be required with your application. The Alternatives Analysis in the DEIS does not meet 404(b)(1) guidelines

3. Direct and Indirect, temporary and permanent downstream impacts must also be considered in your impact calculations.

4. Water delivery structures may also require permitting from this office if they impact wetlands or other Waters of the United States.

The Pittsburgh District cautions the project proponent from finalizing design plans and issuing the Final EIS prior to receipt of a Section 404 Clean Water Act Permit as the design may be altered during the application review process.”

Response: It is NRCS procedure to complete the planning process and produce a Final EIS before applying for a project permit. NRCS acknowledges that permits are required prior to the implementation of the proposed project. Comments 2 through 5 will be addressed during the permitting process.

My concern here is in the NRCS response to the letter's points. The Army Corps of Engineers states in its second and third points that the documentation in the EIS is inadequate. The NRCS response states that some "Final EIS" will be prepared for the application process. This suggests that this draft of the EIS will not be the final draft and that the draft submitted for permit approval will contain information that this draft does not. I am assuming that that final draft will be a made available to the public at the time of its submission and that one more opportunity for public comment will be afforded before permits are issued. Am I wrong in this?

In closing, I would like to note a disturbing consistency in what I would call "errors and omissions". These would include:

1. The merging of this site 16 cost-benefit analysis into the cost-benefit analysis of the entire Lost River project. The logic supporting this action is faulty at best.

2. The rejection of the modification of site for to provide water should have been based on a comparison between site for and site 16 on the basis of the criteria listed for the rejection of site for. The logical need is to make a comparison between the two alternatives, yet the discussion focused exclusively on site for. Further, the discussion of site for was heavy on conclusion and very light on supporting detail, leaving the reader in a position of having to accept

the NCRS conclusion without having any idea how that conclusion was actually reached.

3. The discussion of water quality dealing with water temperature and with the E. coli seems focused exclusively on the impact of the site 16 project on the water downstream of the dam. I was unable to find discussion of these points on the water contained within the impoundment behind the dam.

4. There was no discussion among the alternatives considered of the possibility of addressing the water supply issue incrementally as the population and resulting demand increased.

My concern suggested by these four points and others is not just at this EIS is incomplete but that the pattern in the impact of these omissions and errors seems to lead exclusively toward the conclusion that the site 16 dam is the only possible alternative. If errors had been made on both sides of the issue, it would be reasonable to conclude that they are the result of an impartial process. However, the errors appear to all be made in a way that favors one side of the issue. This leads to a conclusion that impartiality was not part of the process.

I thank you for your time and consideration,

Alan Gramprrie
805 lower cove run road
Matthias, West Virginia 26812
agramprrie@aol.com