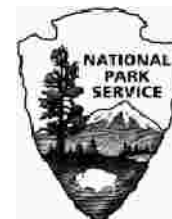




United States Department of the Interior



NATIONAL PARK SERVICE
Rivers, Trails, and Conservation Assistance
Southern Appalachian Field Office
175 Hamm Road, Suite C
Chattanooga, Tennessee 37405

Electronically Submitted:

January 20, 2009

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, Room 1A
Washington, DC 20426

**Re: Comments on Preliminary Application Document (PAD) and Scoping Document (SD) 1
for Toledo Bend Hydroelectric Project (FERC # 2305-020)**

Dear Ms. Bose:

The National Park Service (NPS) has been participating in the ongoing Integrated Licensing Process (ILP) for the Toledo Bend Project Hydroelectric Project located on the Sabine River which comprises the border between Texas and Louisiana. On August 1, 2008, we submitted our initial consultation letter to the Sabine River Authority, on December 16, 2008 we participated in the initial scoping meeting held at Cypress Bend Resort, and on December 17, 2008 we participated in the project site tour.

As you know, regulations created pursuant to the Federal Power Act, as amended, require consultation with the NPS and other resource agencies (18 C.F.R. § 4.38(a) and 18 C.F.R. § 5.1(d)) regardless of whether a unit of the National Park System exists within the project vicinity.

In the case of Toledo Bend, there are no units of the National Park System in close proximity to the project. However, the NPS provides technical assistance regarding outdoor recreation, natural resource conservation, and riverine resources pursuant to the Outdoor Recreation Act of 1963 (16 U.S.C. § 4601-1), the NPS Organic Act (16 U.S.C. § 1 *et seq.*), the Wild and Scenic Rivers Act of 1968 (Public Law 90-542), and the National Trails System Act of 1968 (16 U.S.C. § 1246(a)).



Downstream interests of the NPS include a 110 mile section of the Sabine River that is listed on the Nationwide Rivers Inventory (NRI) for its scenic, recreational, and wildlife values. This river segment begins immediately below the dam and extends to the Interstate 10 crossing. In addition, a 50 mile segment of the Sabine is listed on the NRI beginning at the "headwaters of the Toledo Bend Reservoir." As you may know, the NRI is a listing of more than 3,400 free-flowing river segments in the United States that are believed to possess one or more "outstandingly remarkable" natural or cultural values judged to be of national significance.

In partial fulfillment of Section 5(d) of the Wild and Scenic Rivers Act, a 1979 presidential memorandum directs all federal agencies, as part of its normal planning and environmental review processes, to take care to avoid or mitigate adverse effects on rivers identified in the NRI, particularly if those actions would foreclose potential designation as a "wild, "scenic," or "recreational," river. Thus, the NRI is on file with FERC as a comprehensive basin plan. More information about the NRI can be found at <http://www.nps.gov/ncrc/programs/rca/nri/>.

Pursuant to these authorities and interests, the NPS submits the following regarding the PAD and SD1. We wish to commend the applicant and its consultants for compiling a thorough and comprehensive PAD. However, we have the following comment regarding the applicants proposed study plan.

1. Anecdotal evidence discussed at the scoping meeting and later on the site tour suggest that geomorphologic changes to the river's bed and banks, specifically the loss of sand bars, may be occurring well downstream of the immediate project vicinity extending to the City of Orange or beyond. This is an extent that exceeds the conclusions reached in the PAD regarding downstream effects. Given low human population densities within this area and the lack development, it is plausible that these changes, if ongoing, could represent direct and adverse effects with a direct nexus to Toledo Bend operations. Further, if ongoing, this process could represent an direct and adverse effect to a river segment which is listed on the NRI.

In addition, such geomorphic processes meet the CEQ definition of a cumulative effect. Thus, we request that the proposed study plan include provisions for addressing these effects well downstream of the immediate project environment. Such a study could be conducted in a manner which is cost effect by using historic aerial photography, substrate analysis, and fluvial geomorphological modeling. If undertaken, the study could inform potential mitigation and enhancement measures which could include changes in project operations and/or non-operation alternatives.

Further, a downstream study of sediment transport should include an analysis of its effect on in stream habitats for fish, mussels, and other aquatic or semi-aquatic organisms. Specifically, we ask that the Sabine River Authority and FERC thoroughly evaluate any adverse effects of dam operations, particularly on the nationally-significant natural and cultural resources downstream of the project, and seek to means to minimize these impacts.

Thank you for the opportunity to submit these comments and information. We look forward to continue working with you during the ongoing relicensing process. In the meantime, feel free to contact me via phone (423-266-1150) or via email (jeff_duncan@nps.gov) if you have questions

or if I can be of any assistance.

Sincerely,

_____/s/_____

Jeffrey R. Duncan, Ph.D.

Southeastern Rivers Program

National Park Service

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