

Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

July 22, 2009

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

Re: Toledo Bend Relicensing FERC Project No. 2305-020

Dear Ms. Bose:

This letter is in response to the request for comments related to the Revised Study Plan (RSP) for the Toledo Bend Relicensing Project (Project) No. 2305 for the Sabine River Authority's (Authority) hydroelectric project. The RSP was issued on July 7, 2009 in response to the Texas Commission on Environmental Quality (TCEQ) and other state and federal agency comments on the Pre-Application Document (PAD) and the updated Proposed Study Plan (PSP) issued on May 27, 2009. The previous comment letters (January 2009, March 2009, May 2009) identified TCEQ's general and technical study design issues for the 401 water quality certification. An interagency Aquatic Resources Workgroup (ARW) was convened to refine the PSP based on agency comments. TCEQ appreciates the opportunity to participate in the ARW and provide Texas 401 Water Quality Certification comments to the Federal Energy Regulatory Commission (FERC) during this phase of the Integrated Licensing Process (ILP).

The RSP incorporates many of the 401 water quality certification study plan recommendations previously provided by TCEQ. Combining the various aquatic resource study components of the updated PSP into the Water Quality and Aquatic Resources Study Plan results in a comprehensive, coherent approach that addresses the goals and objectives of the study. Additionally, the RSP clearly states throughout that the study area encompasses the Sabine River from the Toledo Bend Dam (RM 147) to Shoats Creek (RM 54). Water quality, hydrology, biological monitoring, and bottomland community characterization activities will be conducted at numerous sites throughout the Project study area and specific data collection activities may be more concentrated in specific areas (e.g., DO and temperature monitoring upstream of Burkeville/Burr Ferry). However, physical, chemical, and biological data will be required for the entire study area in order to establish baseline/reference conditions for the evaluation of alternatives for 401 water quality certification.

The following paragraphs provide TCEQ comments on specific major components of the RSP, including: scheduling, biological assessment metrics and scoring, and the Project quality assurance project plan (QAPP). Additional general and minor comments are provided as an attachment to this comment letter.

The schedule for the Lower Sabine River Water Quality and Aquatic Resources Study is presented on page 22 of the Section 1.0 Introduction and page 22 of Appendix E. The schedule in Appendix E states

Ms. Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
FERC Project No. 2305
Page 2
July 22, 2009

that the Study Planning and Literature Review commences on August 10, 2009. Study Planning and Literature Review is not included in the Section 1.0 Introduction schedule and neither schedule includes the completion date for the review. Appendix E, Attachment A (Water Quality Methodology) states that upon completion of the literature and data review, a report describing water quality trends, issues, and data gaps will be provided to the resource agencies. Following the report submittal, a reconnaissance site visit of the tailrace and spillway will be conducted and sampling site selections and protocols will be finalized. Target dates for summary report submittal and the reconnaissance site visit should be included in the Project schedules.

The RSP was developed in recognition of the ARW's consensus that having two years of data collection is required for evaluation of this project. Because of the importance of having a complete data set for the first year in order to make decisions for the second year of data collection, it is critical that the studies include 2009 data collection in the schedules. If the first year studies identified in the RSP can not be initiated in 2009, TCEQ requests FERC guidance on how the flexibility to extend the ILP timelines will be provided.

As noted in the RSP, the Index of Biotic Integrity (IBI) subgroup was tasked to develop a project specific biological assessment index for the assessment of the fisheries data. The Authority also tasked the IBI subgroup with development of a project specific minimal IBI target threshold for high aquatic life use. The recommended project specific IBI includes ten metrics, the majority of which are incorporated from scoring criteria for the South Central and Southern Humid, Mixed Land Use Region (Ecoregions 33 and 35) in the Texas Parks and Wildlife Department "Regionalization of the Index of Biotic Integrity for Texas Streams." Metrics for percent of individuals as non-native species and percent of individuals with disease or other anomaly are not included. However, the metric for large river guild species richness has been added to the index. It was also determined that the recommended minimum target threshold for high aquatic life use should be the 62.5 percentile score. It is anticipated that the recommended project specific IBI will be included in the final Project study plan approved by FERC.

It is important that all study elements have clearly defined quality assurance project plans (QAPPs). TCEQ understands that the Authority intends to use currently approved QAPPs and procedures. The QAPP included in the RSP as Attachment I is for fiscal years (FY) 2010 to 2011. Moreover, the proposed sampling schedule includes the initiation of field studies prior to FY2010. The existing programmatic QAPPs or project specific QAPPs, as presented, need to be revised and updated in the RSP. The QAPP revisions should be project specific and include all pertinent sampling methods and protocols for water quality and aquatic resources field and laboratory data acquisition, management, and analysis. The QAPP should also include the dates for the entire Project sampling schedule.

Reference is also provided in the RSP to quality assurance for additional data that may be received from local universities and/or local citizens. No details are given for how quality assurance will be evaluated and maintained for these data. If additional data are to be considered for the Project, detailed quality assurance measures and implementation procedures need to be defined and presented in the RSP.

Ms. Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
FERC Project No. 2305

Page 3
July 22, 2009

As noted above, additional general and minor technical comments are included in Attachment A. The TCEQ looks forward to continued participation in the ARW and evaluating other agency or public comments regarding the RSP. Please provide any agency comments, public comments, as well as the applicant's comments, to Mr. Robert Hansen of the Water Quality Division MC-150, P.O. Box 13087, Austin, Texas 78711-3087. Mr. Hansen may also be contacted by e-mail at rhansen@tceq.state.tx.us, or by telephone at (512) 239-4583.

Sincerely,



L'Oreal W. Stepney, P.E., Director
Water Quality Division
Texas Commission on Environmental Quality

LWS/RH/evm

cc: Mr. Melvin Swoboda, Toledo Bend Project Licensing Manager, P.O. Box 569, Orange, Texas,
77631-0579

Attachment

ATTACHMENT A

The following comments and recommendations are relevant to the Revised Study Plan (RSP) dated July 7, 2009 for the Federal Energy Regulatory Commission (FERC) relicensing for Toledo Bend Reservoir:

Executive Summary

- Page 5 – should read “designated aquatic life uses” instead of “designated uses and aquatic life”.
- Page 6 – The specific objectives of the study should include the identification of potential aquatic life enhancement opportunities.
- Page 7 – reference for TCEQ sampling and monitoring procedures should include TCEQ Surface Water Quality Monitoring Procedures, Volumes 1 and 2, 2007.
- Executive Summary and entire document – the format for all maps needs to be enlarged so that maps and basic map details are legible and identifiable.
- Pages 19 – 22 – dates for commencement and completion of the literature and data review, summary report, and reconnaissance trip are not included in the schedule.
- Page 28 – Segment 0502 should also be listed for applicable water quality designations and criteria.
- Page 29 – the time period for the acquisition of supplemental data should be more specific. Fish spawning periods, peak generation period, and typical low DO and high temperature periods do not necessarily overlap and are not mutually exclusive.

Lower Sabine River Water Quality and Aquatic Resources Revised Study Plan

- Page 3 – should read “designated aquatic life uses” instead of “designated uses and aquatic life”.
- Page 3 – should include Segment 0502.
- Page 5 – same comment as Executive Summary – Page 29 above.
- Page 9 – should include Segment 0502 in the narrative description.
- Page 21 – Texas Commission on Environmental Quality.

Attachment A – Water Quality Methodology

- Downloading requirements for leveloggers should be consistent throughout the document (monthly or every other month?).

Attachment B – Downstream Fishery Resources Methodology

- References to Level III ecoregions (e.g., ecoregions 33 and 35) should be referenced as Omernik and Gallant 1987, 1989.

Attachment F – Project Operations Modeling Methodology

- Gage Station table – gages to be used for ramping rate data should be consistently marked for clarity and convenience.