

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

January 13, 2009

Re: Appalachian Power Company  
Claytor Project No. 739  
Application for New License  
Updated Study Report – **Privileged Information**

Dear Secretary:

On behalf of Appalachian Power Company (Appalachian), enclosed for filing are one (1) original and eight (8) copies of the following study reports:

1. An Assessment of the Bald Eagle Population Along Claytor Lake, Virginia
2. Phase I Cultural Resources Survey of the Claytor Hydroelectric Project
3. Draft Phase II Testing of Five Archeological Sites and the Results of a Drawdown Survey

This filing is being done simultaneously with the filing of the Updated Study Report as required by the Commission's letter dated March 17, 2008.

The enclosed documents contain site specific information on an active bald eagle nest and cultural resource information. The cultural resource reports include specific site or property locations, the disclosure of which would create a risk of harm, theft, or destruction of archaeological or Native American cultural resources or to the site at which the resources are located, or would violate Federal law, including the Archeological Resources Protection Act of 1979, 16 U.S.C. 470-w, and the National Historic Preservation Act of 1979, 16 U.S.C. 470hh. Therefore, we are requesting that all of the information contained in this filing be treated as Privileged Information in accordance with the appropriate rules and regulations of the Commission for such information.

The bald eagle assessment has been provided to the U.S. Fish and Wildlife Service, Virginia Department of Game and Inland Fisheries and Virginia Department of Conservation and Recreation. The Phase I cultural resource report and the draft Phase II cultural resource report have been provided to the Virginia Department of Historic Resources, Virginia Council on Indians, and the Eastern Band of Cherokee

Indians. Once comments on the draft Phase II report have been received and incorporated, a final Phase II report will be provided to the Commission.

We believe that this filing is timely and has been prepared in accordance with the requisite rules and regulations governing such a filing. Any questions regarding the information included in this filing should be directed to the undersigned.

Very truly yours,

A handwritten signature in cursive script that reads "Teresa P. Rogers".

Teresa P. Rogers  
Process Supervisor I  
(540) 985-2441

cc: w/o enc.  
Distribution List Attached

**Claytor Project No. 739  
Distribution List**

| <b>Federal Agencies</b>                                  |  |
|--|--|
| John Fuller  | Advisory Council on Historic Preservation  |
| Mike Nedd  | Bureau of Land Management – Eastern States   |
| Director   | Bureau of Reclamation – Regional Office  |
| Michell Hicks, Mike Bolt and Tyler Howe                  | Eastern Band of Cherokee Indians   |
| Chadwick Smith   | Cherokee Nation  |
| Dr. James T. Kardatzke                                   | U.S. Bureau of Indian Affairs – Eastern Region   |
| John Smith   | Federal Energy Regulatory Commission   |
| Jerrold Gotzmer  | Federal Energy Regulatory Commission – Atlanta   |
| Patricia Arcuri  | FEMA Region III  |
| The Honorable Rick Boucher                               | United States House of Representative  |
| The Honorable Jim Webb                                   | United States Senate   |
| The Honorable John Warner                                | United States Senate   |
| Patricia Kurkul  | National Marine Fisheries – Northeast Region   |
| Cynthia Wilkerson  | National Park Service – Northeast Region   |
| Jesse Purvis   | National Park Service – New River Gorge National River   |
| Lisa Morgan  | U.S. Army Corps of Engineers – Huntington  |
| Chief  | U.S. Army Corps of Engineers – Norfolk   |
| Donald Welch   | U.S. Environmental Protections Agency – Region III   |
| Director   | U.S. Fish and Wildlife Service– Annapolis, MD  |
| Marvin Moriarty  | U.S. Fish and Wildlife Service – Hadley, MA  |
| Eric Davis   | U.S. Fish and Wildlife Service – Gloucester, VA  |
| Ward Staubitz  | U.S. Geological Survey   |
| Lt. Bill Clark   | U.S. Coast Guard – MSO Hampton Roads   |
| Dean Jackson   | U.S. Coast Guard – Flotilla 83   |
| Thom Leedom  | U.S. Corps of Engineers – Blacksburg Field Office  |
| <b>State Agencies</b>                                    |  |
| David Collette   | Claytor Lake State Park  |
| The Honorable Anne Crockett-Starke                       | House of Delegates   |
| The Honorable David Nutter                               | House of Delegates   |
| The Honorable Phillip Puckett                            | Senate of Virginia   |
| Thomas James   | New River Health Department  |
| Mark Hufeisen  | New River Trail State Park   |
| Gary Boring  | New River Highland RC&D  |
| Deanna Beacham   | Virginia Council on Indians  |
| Director   | Virginia Department of Agriculture   |
| Robert Munson  | Virginia Department of Conservation and Recreation   |
| Dean Gall / Dan Repella /<br>Chuck Dietz / Krystal Coxen | Virginia Dept. of Conservation and Recreation –<br>Div. of Soil and Water Conservation Office - Dublin |
| Robert Stroube   | Virginia Department of Health  |
| Roger Kirchen  | Virginia Department of Historic Resources  |
| Steve Dietrich   | Virginia Department of Environmental Quality   |

|                                       |  |
|---------------------------------------|--|
| John Copeland                         | Virginia Department of Game and Inland Fisheries |
| William Kittrell                      | Virginia Department of Game and Inland Fisheries |
| Randy Owen                            | Virginia Marine Resources Commission             |
| Preston Bryant                        | Virginia Natural Resources Commission            |
| Cody Walker                           | Virginia State Corporation Commission            |
| Kerry Bledsoe                         | West Virginia Department of Natural Resources    |
| Tamara Vance                          | VA Outdoor Foundation                            |
|                                       |  |
| <b>Local Government</b>               |  |
| Mark Henne                            | City of Bluefield                                |
| Chris McKlarney                       | Giles County                                     |
| Joe Coburn                            | Mercer County                                    |
| Craig Mohler                          | Monroe County                                    |
| B. Clayton Goodman                    | Montgomery County                                |
| Brad Buchanan                         | Montgomery County Parks and Recreation           |
| Peter Huber                           | Pulaski County                                   |
| Dean Pratt                            | Pulaski County – Draper District                 |
| Ranny Akers                           | Pulaski County – Ingles District                 |
| Thomas Starnes                        | Radford City                                     |
| Lonnie Mullins                        | Summers County                                   |
| Howard Spencer                        | Town of Glen Lyn                                 |
| James Kast                            | Town of Narrows                                  |
| Rick Showalter                        | Wytheville Parks and Recreation                  |
|                                       |  |
| <b>Non-Governmental Organizations</b> |  |
| David Jenkins                         | American Canoe Association                       |
| Andrew Fahlund                        | American Rivers                                  |
| Kevin Colburn                         | American Whitewater                              |
| Ronnie Powers / Darla Jennings        | Friends of Claytor Lake                          |
| Richard Roth                          | Friends of the New River                         |
| Bill Tanger                           | Friends of the Rivers of Virginia                |
| Rebecca Sherman                       | Hydropower Reform Coalition                      |
| Russell Alls                          | Isaak Walton League – Radford Chapter            |
| George Santucci                       | National Committee for the New River             |
| Director                              | National Wildlife Federation                     |
| David Rundgren                        | New River Valley Planning District Commission    |
| Shawn Hash                            | Tangent Outfitters                               |
| Director                              | Nature Conservancy                               |
| Steve Moyer                           | Trout Unlimited                                  |
| Jeffery George                        | Norfolk Southern, Real Estate, Pulaski County    |
| Roger Holnback                        | Western Virginia Land Trust                      |
| Debbie Lineweaver                     | New River Land Trust                             |
| Beth Obenshain                        | New River Land Trust                             |
| Dave Mondy                            | New River Junction                               |
| Paul Angermeier                       | Dept. of Fisheries and Wildlife Sciences, VPISU  |
| Llyn Sharp                            | New River Watershed Roundtable                   |
| David Bernard                         | Coastal Canoeists                                |