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September 11, 2007

## September 2007 NHA-ILP Update

### **MORGAN FALLS (P-2237)**

16.8 MW

<http://www.georgiapower.com/lakes/hydro/mfp.asp>

NOI filed Jan. 15, 2004

On Tuesday, February 27, 2007, GPC filed with the Commission its license application for the Morgan Falls Project, FERC Project No. 2237. The public components of the application can be found on Georgia Power's relicensing website.

FERC issued the Notice of Acceptance and REA on May 11, 2007 and comments, protests, interventions, recommendations & preliminary terms and conditions were due July 10. Interior commented on July 3, primarily requesting that a Section 18 prescription, in the interest of diadromous fishes, be in the license. Interior did not prescribe any 4(e) conditions. Interior also stated that they support the proposed environmental measures in Exhibit E in the license application. Interior further stated that a settlement agreement has been drafted with GPC, FWS and NPS. Interventions were also filed by Interior and jointly by Upper Chattahoochee River Keeper and American Rivers. GPC responded to the comments on August 27.

### **MYSTIC LAKE (P-2301)**

10 MW

<http://www.mysticlakeproject.com>

NOI filed July 1, 2004

PPL Montana filed a Mystic Lake Project Final License Application (FLA) on December 15, 2006 with the Commission. The Mystic FLA comprises seven public and non-public Volumes of information including Exhibits A thru H, Historic Properties Management Plan (HPMP) and Programmatic Agreement (PA), a sensitive species Biological Evaluation and a T&E species Biological Assessment.

FERC issued a formal EA for the Mystic Lake Project on August 17, 2007. Comments on this EA are due to be filed with the Commission by October 1, 2007. While FERC staff did not recommend a drawdown of Mystic Lake or West Rosebud Lake to avoid FERC's Project Boundary overlap with the A-B Wilderness in the EA, FERC staff indicates that only the full Commission can rule on whether a boundary overlap is appropriate (or not) in a new Mystic License. The Commission is expected to rule on this issue in their Order Issuing or Denying a New License for the Mystic Project scheduled for February, 2008.

**Lessons Learned:**

PPL Montana lessons learned include: "Even though PPL Montana and stakeholders greatly benefited from starting informal consultations, issue scoping and limited field studies 2 years early (pre-NOI filing), the formal Mystic Project ILP timeline from PAD to formal studies to Preliminary Licensing Proposal (PLP) to FLA filing was very full and fast moving and required all stakeholders to stay actively engaged to allow adequate consultation and decision making toward consensus within the many benchmark deadlines. Start early, stay engaged and follow through with appropriate ILP team delegation and resources."

"Take nothing for granted in this fast moving ILP process because every "i" must still be dotted and every "t" must still be crossed in the context of the voluminous Final License Application that follows very soon after an applicant's PLP is filed with the Commission. Early (pre-PLP) discussions by the applicant team of an internal FLA preparation timeline and coordinated management of information into the FLA are critical to facilitate accurate and timely FLA filing within the compressed ILP timeline."

**CANAAN (P-7528)**

NOI filed Aug. 2, 2004

1.1 MW

PSNH filed its preliminary licensing proposal on March 5, 2007. On April 17, FERC responded with comments on the PLP, stating what additional information would be needed in PSNH's license application. Comments on the PLP were filed through mid June. July 30, 2007, PSNH filed a relicensing application. August 10, 2007, FERC issued public notice of filing and established procedural dates. FERC expects to issue an REA notice on September 28, 2007.

**DE SABLE-CENTERVILLE (P-803)**

NOI filed Oct. 4, 2004

26.6 MW

<http://www.eurekasw.com/DC/relicensing/default.aspx>

In a letter dated May 14, 2007, FERC changed the filing date of the Updated Study Report to September 6, 2007, and required PG&E to address in its Updated Study Report

11 study plans. On July 5, 2007, the Director approved five studies, which will allow for additional results to become available on these five studies prior to the review and comment period by relicensing participants. As required by FERC, PG&E plans to hold the Updated Study Report meeting on September 19, 2007. PG&E will file with FERC an Updated Study Report meeting summary within 15 days following the Updated Study Report meeting. PG&E anticipates that it will have completed and will include in its license application, which PG&E plans to file with FERC by October 11, 2007, all studies identified in FERC's Study Plan Determination as amended by FERC from time to time, with certain exceptions. The Determination also requires PG&E to file quarterly progress reports. In a letter dated July 26, 2007, FERC provided that PG&E's Updated Study Report would also satisfy the requirements for filing the Seventh Quarterly Progress Report.

**PACKWOOD LAKE (P-2244)**

NOI filed Nov. 10, 2004

26 MW

<http://www.energy-northwest.com/gen/packwood/relisce.html>

Energy Northwest responded to comments received on the draft final Packwood Lake Drawdown Study Report, and FERC has decided that no determination is needed as to whether the study is completed. Field work on the remaining six studies is nearing completion. A Synthesis Report tying together impacts from the studies for both project and non-project effects was issued to the agencies and tribes for review and comment. The agencies and tribes had requested that we provide an overview of impacts. Once we explained that the Synthesis Report was only dealing with current impacts, and not with any proposed protection, mitigation, and enhancement measures (PM&E's), the report was well-received. Instream flow study reports were also issued for review and comment. Discussions on possible scenarios for future project operations in the new license will start in mid-July. Energy Northwest's consultant has completed an internal draft Preliminary License Proposal (PLP) for Energy Northwest's review, with placeholders for PM&E's and the remaining study results. The PLP is due to FERC no later than October 1, 2007. The ILP study progress report was filed August 7, 2007. On August 29 Energy Northwest filed a letter summarizing the August 14 study progress meeting. Comments will be filed through November 22, 2007.

Lesson learned:

In the process of preparing and issuing draft study reports for review and comment by the agencies and stakeholders, Energy Northwest learned that in a summary or conclusion section there is a need to clearly state how the goals and objectives from the study plan were met. Their early reports did not call out the goal or objective, and the agencies disputed whether they were met. Later draft reports or revised draft reports clearly stated how they met the goals and objectives, and this has led to fewer or no comments on the draft report, and less concern as to whether there is sufficient data to support a determination on project effects.

**SMITH MOUNTAIN (P-2210)**

NOI filed Oct 25, 2004

636 MW

<http://www.smithmtn.com/default.asp>

On September 7, 2006, Appalachian Power Co. submitted the Initial Study Report describing the overall progress in implementing the study plan and schedule. Meetings to discuss the progress of the studies were held on September 26-28. Under the Study Plan Determination issued by the Director, a total of sixteen individual study plans as filed by Appalachian were reviewed and approved with or without modification. A summary of the study progress meetings was filed October 11. Stakeholders filed comments on the study plans and how the studies are being conducted, and Appalachian Power submitted responses to the comments on December 5. Their lengthy letter responded to comments concerning 13 of the 16 studies and concerns, primarily from the Tri-County Relicensing Committee, made up of the three County governments surrounding the lakes. Appalachian filed a second letter on late comments on January 4. On January 10, FERC issued its determination on the requests for modifications of existing studies. The Director noted that the Parties did not address one or both of the criteria set forth in 18 CFR §5.15(d)(1-2) in their requests. A lengthy staff analysis was attached; however, for the Recreation Use Assessment the study plan needed to be revised to include public safety, as part of the recreation needs assessment. For the Debris Study, he required that the study plan be revised to add (a) a definition of debris (*e.g.*, natural versus man-made), and (b) a boating safety component. Finally, the Drought and Flood Management Study must be revised to include appropriate criteria and priorities for interpreting model results and making water management decisions.

A Studies Update Meeting was held April 25 and 26, 2007 to provide details regarding all of the studies being conducted relative to the relicensing effort for the Smith Mountain Project. Review comments on draft study reports are being filed, and Appalachian Power Co. is planning a second year of field studies for the Roanoke logperch, a federally-listed endangered species. FERC approved the modified study plans for the Roanoke logperch on August 28.

**METRO (P-12484)**

NOI filed May 5, 2005

2.4 MW (new capacity)

<http://www.advancedhydrosolutions.com/MetroGorge.html>

AHS is continuing litigation against the Metro Parks Serving Summit County for access to the Gorge Metro Park for the completion of the noninvasive studies required by the Final Plan Determination. On February 21, 2007 Federal District Judge John Adams issued a Preliminary Injunction to allow all noninvasive testing to be implemented by AHS. Originally, AHS said that studies should be completed by fall 2007; however, the injunction providing Metro Hydro access to conduct studies was appealed by Metro Parks and a stay of the injunction was granted by a Federal Appeals Court on April 23. As of

right now Metro Hydro is once again not able to gain access to the park to conduct the studies.

The litigation against the Metro Parks is scheduled as follows; all discovery to be complete by February 28, 2007, expert discovery completed by March 31, 2007 and all final motions filed by June 11, 2007.

On March 9, 2007, AHS requested that FERC modify the ILP schedule to allow completion of the litigation. FERC never responded; however, on June 14 the Director OEP, in a letter order, terminated, without prejudice, the ILP because he felt AHS could not comply with the prescribed ILP schedule. Robinson said that AHS could refile the NOI/PAD if appropriate access to the land was ever obtained. Robinson further said that certain steps in the ILP might be able to be waived, if at that time, the project configuration hadn't changed and that step didn't need to be repeated. On June 28 AHS requested reconsideration of Robinson's decision. On July 3 Metro Parks filed an opposition to the reconsideration request. On July 11 Robinson denied the reconsideration request. Numerous arguments of AHS were not addressed. Robinson said that, regardless of fault, Metro had been unable to follow the process plan. Robinson was concerned that FERC and others would have to expend resources where it appeared appropriate progress was not being made. On July 16, 2007, AHS filed a request for rehearing of the decision. On July 17 Metro Parks requested that FERC allow it to brief the issues AHS discussed in its rehearing request. August 1 AHS filed opposition to Metro Parks' motion for briefing. August 15 FERC granted rehearing for further consideration.

**AMES (P-400), TACOMA (P-12589)**

**NOI filed May 20, 2005**

**Tacoma development: 8.1 MW**

**Ames development: 3.5 MW**

**<http://www.tacoma-ames.com/Default.htm>**

Tacoma/Ames continues to go well. All of the first season studies are complete. The experimental operations ice study at Ames will continue for a few more winters. Study meetings were held the week of April 9th.

Study Progress Report Meeting summaries were filed and accepted with the FERC on April 27th and 30th. They are available on the FERC website and also the Tacoma-Ames site. Responses to additional study requests, three from the USFS on the Tacoma Project, were filed with FERC the last week of June. The Director's study plan approval was issued July 30, 2007, separately for each project. No changes were required for Ames. For Tacoma, modifications to flow studies, especially concerning a diversion dam not now in the project license, were required. On August 20, the Forest Service filed a letter disagreeing with FERC's determination and suggesting to licensee that the additional studies Forest Service wanted should be done.

So far the process has been working well with good cooperation among agencies and stakeholders.

Lessons learned:

\* Licensee says that the ILP process is an improvement but at the end of the day it is still relicensing. Prepare for it with that understanding.

\* Start early. They want to emphasize strongly the benefit of starting before the process begins. Get out and meet your stakeholders. See where they work and what they deal with. Give them tours of your projects so they understand what we are dealing with.

\* Document, document, document. Start putting critical data together in clear format before you start the ILP. This will help the discussion and also save money and angst trying to organize it at the last minute.

\* Be cooperative but also be firm. Don't let the agencies run your relicensing.

**HENRY M. JACKSON (P-2157)**

NOI filed Dec.1, 2005

112 MW

<http://www.snopud.com/WaterResources/relicensing.ashx?p=2334>

Snohomish County PUD on behalf of itself and the City of Everett has contracted with eleven consultants to conduct 21 of 23 studies over the course of 2007-2008. Two studies will be done by PUD staff. Studies are all in various stages of progress for the first study year. Initial Study Reports for all studies have been drafted for review and will be submitted to the FERC on October 12, 2007.

The Meridian Environmental team was selected to provide services for preparation of the new license application. The deadline for filing the final license application is May 31, 2009.

Lessons Learned:

PAD Development Phase

The Licensees started 2.5 years before filing the PAD. Activities included hiring strategic consultants, assembling our current license documents, and making the necessary internal arrangements to be prepared for the relicensing process as we understood it at the time. This was before the ILP was formally adopted by the FERC and consultant contract adjustments were done as the ILP was finalized.

A "Resource Summaries for Consultation Document" was developed by the licensees which consolidates the pertinent known information before going out to meet the stakeholders informally a year before the PAD was due. This forced the licensee staff to get up to speed on the project and gave the stakeholders something to digest.

Stakeholders were not given the opportunity to comment on the PAD before submission to FERC with the NOI. This saved substantial time during the crunch of getting the PAD done.

FERC staff was shown a draft of the PAD a month before submittal. They gave fast turn around and insightful feedback so the formal submittal was acceptable to them.

#### Study Development Phase

Stakeholder perceptions are driven by their experience, background and personality. After several initial meetings on the Proposed Study Plans, the licensees brought in additional consultants to address the issues in a context that accounted for these factors. Several subgroups were created to work on concerns about the proposed studies. Several of the Proposed Study Plans were rewritten to address stakeholder and FERC concerns. This led to acceptance of the Revised Study Plans by the FERC with very few additional comments or changes and avoided the study dispute resolution process.

#### Study Implementation Phase

Selecting the best qualified consultants for each study requires more contract administration but yields excellent results which are worth the additional management effort.

### **MAHONING CREEK (P-12555)**

NOI filed Dec. 27, 2005 4.4

MW (new capacity)

<http://www.advancedhydrosolutions.com/Mahoning.html>

Mahoning Creek Hydroelectric Company (agent is AHS) filed the Initial Study Plan on June 8, 2006. The Final Plan Determination was received from FERC in November 2006. All five required studies will commence in the spring of this year. Mahoning Creek stated in a progress report filed on March 9 that it will finalize contracts with qualified consultants to perform the 5 required studies approved in the Study Plan Determination. Mahoning Creek expects to complete all required studies in the spring and summer 2007. AHS expects to file the study results in November 2007.

### **CLAYTOR (P-739)**

NOI filed Jan. 6, 2006

75 MW

<http://www.claytorhydro.com>

Appalachian Power Company's (APC) held a public meeting on May 16 and 17, 2007, at Appalachian's Pulaski Service Center in Pulaski, Virginia, for discussion of progress on studies being performed as part of the relicensing effort for the Claytor Project. Consultants for each study and representatives of the Federal Energy Regulatory Commission participated in the meeting to provide updates and answer questions.

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**GREEN ISLAND (P-13)**

NOI filed March 1, 2006

6 MW existing, 20 MW new capacity

Green Island Power Authority's process plan and schedule calls for a draft license application to be distributed October 2008 and a license application by March 2009. Green Island proposes to expand the powerhouse and add two units with a combined capacity of 10 MW. The Proposed Study Plan was filed on August 18, 2006. On September 5 FERC said they were not issuing a SD 2. The Study Plan meeting was held on September 11. On October 24 Green Island filed a supplemental PAD. This revision showed the expansion facility (now a proposed single 20 MW unit) moving from the West side to the East side of the hydropower facilities to avoid disturbing contaminated sediments on West side. On November 13 FERC commented on the proposed study plan. The revised study plan was filed by Green Island on December 11. FERC approved the revised study plan on January 10, 2007 with modifications, including several studies on water quality, fisheries, and geology and soils. In January, Green Island asked the Fish and Wildlife Service and others for assistance in determining if any federally listed endangered species, designated critical habitats, etc. will be affected by the project. Studies are underway.

**WILLOW MILL (P-2985)**

NOI filed April 14, 2006

460 KW

MeadWestvaco filed a draft study plan on September 26, 2006. Following this submittal, a study plan meeting was held on October 26, 2006. After receiving comments from FERC and the Massachusetts Division of Fish and Wildlife, MeadWestvaco submitted an ILP Revised Study Plan on January 23, 2007. In its Revised Study Plan MeadWestvaco withdrew its Hydropower Redevelopment Study proposal. Rather, MeadWestvaco now states that it will rehabilitate the 100-kW unit during 2007, and otherwise has no plans to upgrade or expand the project. The Commission approved the Revised Study Plan on February 23, with some modifications to wildlife, hydropower redevelopment, and bypassed reach flow studies. On May 30 MeadWestvaco requested that the cultural resources study be removed from the plan. Robinson replied on July 9. He stated there was nothing in the regulations about removing an approved study, but he felt he could act on such a request. He did remove most of the cultural resources study requirements but emphasized that an HPMP must be filed with the application.

**MASON DAM PROJECT (P- 12686 new project number)**

NOI filed April 27, 2006

3 MW (new capacity)

Scoping meetings were held on July 26. Comments were due August 25. The Confederated Tribes of the Umatilla Indian Reservation expressed concerns about cultural resources and fish species of concern. The U.S. Forest Service, Interior, and the state had similar concerns and requested numerous studies. On September 8, FERC granted Baker County's request to be designated non Federal representative for cultural



resources and ESA consultation. On October 9, Baker County filed their proposed study plans. Baker County and FERC held meetings on November 8 and December 14 to review the study plans and proposed studies with stakeholders. After receiving comments, Baker County filed a revised study plan on February 7.

The Commission issued the new preliminary permit to Baker County on January 19, 2007. On March 20, 2007, FERC issued a new project number (P-12686) and closed the docket under the old project number (P-12058). On March 22, 2007, FERC issued the study plan determination letter. Studies were promptly started.

**BOUNDARY (P-2144)**

NOI filed May 5, 2006

1,051 MW

<http://www.ci.seattle.wa.us/light/News/Issues/BndryRelic/default.asp>

Seattle City Light held a scoping meeting and site visit on July 19. FERC provided comments on the proposed study plan and PAD on August 31. Comments on SD 1 were due September 1, 2006. On September 28 FERC issued SD 2 with changes from SD 1 clearly marked. SCL's proposed study plan was filed on October 16. Seattle City Light filed its revised study plan on February 14 in response to oral and written comments. FERC approved the revised study plan with a few revisions on March 15.

One particular stakeholder, the Confederated Tribes of the Colville Reservation objected to certain study requirements and methods. Seattle City Light responded to FERC on this subject on July 3, 2007.

On August 28 Forest Service commented on Toxics Assessment Final Phase 2 SAP. On August 30 the Washington Department of Ecology stated that SCL had worked hard to accommodate the stakeholder's comments and concerns during preparation of the Final Phase 2 Sampling and Analysis Plan.

**LAKE CREEK (P-2594)**

NOI filed May 31, 2006

4.5 MW

<http://www.norlight.org/LCRelicensing/>

Northern Lights, Inc. electronically filed the NOI and PAD for the Lake Creek Project on May 31, 2006. With agency and tribal consent, NLI implemented a number of early studies in 2006 including water quality, cultural resources and fish habitat among others. FERC Scoping Meetings and site visit were held on August 9, 2006. NLI filed the Study Plan October 13, 2006 and held the Initial Study Plan meeting November 1, 2006. NLI filed a Revised Study Plan (with only minor revisions from the original) on January 19; there were no comments. NLI has provided FERC and the agencies with study progress reports. On March 8, 2007, FERC issued a letter order approving Northern Lights Study Plan determination for the project. The limited remaining field work will be completed in August 2007. NLI will begin preparation of the Draft License Application following

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the 2007 field season. All documents related to the Project's relicensing are available on NLI's website.

**Lessons Learned:**

NLI's philosophy throughout the process to date has been to drive the timeline and process rather than to be driven. While cooperating fully with the tribes, agencies and other stakeholders, nonetheless, the licensee remains the driver of the process within the constraints of the regulations. Early planning and execution and open frequent communications with agencies and tribes have proven to facilitate and to enhance the process. Proper diligence in following the ILP schedules, even if not followed precisely by stakeholders and regulatory bodies maintains interest and keeps communications open.

Sharing a draft of the PAD with stakeholders early in the process facilitated their involvement and helped to keep the process on track as potential issues were identified in the early review and then covered in the final PAD – thereby avoiding additional information requests and debating potential studies or other future efforts. Timelines were never an issue when everyone was informed about the process and during the PAD development.

Working early with the agencies meant that study planning proceeded extremely smoothly as everyone's expectations and limitations were known. A commitment among the licensee and stakeholders to a "no surprises policy" further facilitated the process proceeding well within time constraints while addressing the requirements for additional information related to potentially affected resources.

Start early. Communicate with the agencies, tribes and stakeholders frequently. Be of good will.

**MCCLLOUD-PIT (P-2106)**

NOI filed July 27, 2006

364 MW

<http://www.mccloud-pitrelicensing.com/>

PG&E filed their Revised Study Plan including 34 Study Descriptions on May 4, 2007. Subsequently on June 4, 2007 FERC issued a Study Plan Determination. Based on resource agency comments FERC modified three study descriptions. No study disputes were filed by the June 24, 2007 deadline. On July 17 PG&E responded to FERC's study plan letter providing minor corrections. Implementation of the studies is underway and will continue through 2008. The draft License Application or Preliminary Licensing Proposal is due March 3, 2009.

**Lessons Learned:**

The ILP schedule for Study Plan development is a challenge. To partially address this challenge, PG&E is making extensive use of their public project web site to post revised study descriptions, meeting agendas, and other information to help get materials to the stakeholder group quickly. The revisions to the study descriptions are shown in track changes so that the stakeholder can easily compare versions. For developing their April 9, 2007 comments, the stakeholders will have access to the most current version of the Study Plan and know what revisions PG&E has agreed to. However, there is a concern by the stakeholders that if the study descriptions do not include all possible contingencies, it will be difficult to revise them after FERC approval. As a result, the stakeholders are being very conservative and are insisting on very detailed study descriptions. Given the schedule constraints, PG&E anticipates starting field work on several studies prior to FERC approval of the Revised Study Plan, anticipated June 2007.

PG&E provided a facilitator to manage the Study Plan workshop. The use of a facilitator for the workshop was found to be valuable to keep the meetings moving and on track. The effort put in to the workshops addressed a majority of the relicensing issues and it is anticipated there will be no study disputes. The relicensing participants voiced concern over the limitations on modifying Study Descriptions based on 1<sup>st</sup> year study results. As a result they tended to be conservative in their study recommendations and/or requirements for data gathering. The limited time allowed in the ILP for Study Plan development and PG&E's collaborative workshop required a significant commitment of time and effort by all of the participants. However, the limited time and firm deadline helped move the process along.

The ILP schedule continues to be a challenge. PG&E filed their Revised Study Plan several days ahead of scheduled. FERC subsequently revised the Project Process Plan and Schedule shorting the scheduled the same number of days. The ILP does not provide an opportunity for the Licensee to contest FERC modifications to the Revised Study Plan which could be an issue for some Licensee's.

**WELLS (P-2149)**

774 MW

<http://relicensing.douglaspud.org>

NOI filing date, Dec. 1, 2006

Douglas PUD filed its Proposed Study Plan (PSP) Document with FERC on May 16, 2007. The PSP Document includes a collection of 12 study plans that were mutually developed and agreed upon with voluntary resource work groups (RWGs) that began meeting in November 2005. Over 150 issues or concerns were originally addressed and consolidated throughout the course of 35 separate RWG meetings. The study plans address Cultural, Recreation, Terrestrial, Aquatic and Water Quality issues designated by the groups as appropriate for study during the ILP study period. In addition to the 12 proposed study plans, the PSP Document includes Douglas PUD's responses to stakeholder study requests and a schedule for conducting its study plan meeting.

In accordance with the schedule proposed in the PSP, Douglas PUD held its Study Plan Meeting on June 14, 2007 in East Wenatchee, Washington. At the Study Plan Meeting, all of the study plans proposed by Douglas PUD and all of the stakeholder study requests were discussed by representatives from FERC, federal and state agencies, affected Indian tribes, local communities and Douglas PUD.

Stakeholder comments on the PSP are due August 15, 2007. Only three stakeholders and no Federal or state agencies filed comments. Douglas PUD revised 5 of the 12 study plans. Douglas PUD will file the revised plan by September 14. FERC is expected to approve the Revised Study Plan by October 15, 2007. Upon FERC's issuance of its Study Plan Determination in October 2007, Douglas PUD will initiate the formal study process. After the study period is completed, Douglas PUD will evaluate results from studies, resolve resource issues and complete management plans to be included into the Preliminary License Proposal due in late 2009.

#### Lessons Learned:

Douglas PUD's strategy of early engagement and early studies definitely has helped Douglas PUD staff write the PSP and it was useful in educating stakeholders as they now have concrete, scientific defensible study results to present to the agencies and tribes. It is too early to tell if the strategy has been successful at limiting the number of new issues and study requests. They say they will know more after the study requests have been filed with FERC.

#### **MASSENA GRASSE RIVER (P-12607)** 2.5 MW (new capacity)

NOI filing date, December 8, 2006

. Based on discussions during the preliminary Agency and Stakeholder meeting held on January 5, 2007, MED prepared draft study plans for proposed studies to be conducted in 2007 to gather additional baseline data. MED continues to work with the stakeholders informally on expedited baseline studies to obtain critically important early year fisheries data. This effort is being conducted in parallel with preparation of the final study plans. MED has assured Agencies and NGOs that the early start of these baseline studies would not compromise their position that the 2007 studies may be proceeding outside the ILP's formal study plan process.

FERC Scoping Meetings and the Site Visit were held on March 1 and 2, 2007. Comments on the PAD and Requests for Studies were received on April 7, 2007. A Revised Scoping Document was issued by the FERC on May 22, 2007. MED held a meeting with the Agencies and NGO's to discuss comments on the draft study plans on May 31, 2007. At the request of the FERC, Agencies and NGO's, MED continued to work with these groups to resolve study plan comments in anticipation of the receipt of formal comments during August 2007. MED conducted webinars in July 17, July 19, and August 13 and a meeting was held at NYSDEC with a conference call participation on August 1. Comment letters on the Study Plans were received from the FERC and participants in accordance with the August 20 scheduled date. MED also continues to

work to expedite the portions of the schedule that it performs [preparation of study plans, revision of study plans, etc] in an effort to expedite the license application process. MED will issue revised Study Plans by Sep 19, 2007.

MED has updated 2007 field study plans to incorporate comments received in the study plan requests and agency meetings, as appropriate. MED plans to continue to discuss project updates and baseline study results with the participants prior to the start of the 2008 study season.

**BEAR RIVER NARROWS (P-12486)**

NOI filing date, December 15, 2006

11 MW (new capacity)

Twin Lakes Canal Company filed a Notice of Intent Pre-Application Document with FERC on December 15. The project includes the construction of a new dam and reservoir on the Bear River as part of Twin Lakes' plan to upgrade its irrigation and water delivery system. FERC issued a Notice of Intent to File License Application on February 16 and 23. The Commission held its first two scoping meetings on March 14. Several parties have filed comments on the PAD and the scoping meetings. Several parties, such as the Forest Service, the Fish and Wildlife Service, and the Idaho Department of Environmental Quality, have filed comments that include study requests. On April 16, FERC issued a letter to Twin Lakes requesting more detailed information on geological studies and project operation. FERC also requested several studies be performed, including a Bear River Flow Synthesis, Special Status Wildlife Species and Habitat Assessment, Special Status Plant Species and Noxious Weed Assessment, Mule Deer Habitat Assessment, assess Archaeological and Historic-era Properties, and an Economic Study of the proposed project. Twin Lakes must file the requested geological study information by May 13 and the project operation information by July 12. On May 9 and July 3, Twin Lakes responded to FERC's letter. On July 16 the Initial Study plan proposal was filed. The first study plan meeting was held August 28-30. On August 14 FERC issued Scoping Document 2.

**FALL CREEK DAM (P-12617)**

NOI filing date, February 15, 2007

10 MW (new capacity)

Northwest Power Services on behalf of Fall Creek Hydro, LLC filed an NOI and PAD on February 15, 2007. Fall Creek Hydro proposes to install a hydroelectric facility at the existing U.S. Army Corps of Engineers' Fall Creek Dam on Fall Creek in Lane County, Oregon. On February 28, FERC issued a letter to Northwest Power Services stating that it had not exercised due diligence in obtaining all existing information that may be available for the project area, because it did not contact many of the entities which are likely to have information that it could incorporate into the PAD. FERC requested Northwest Power Services to file an updated PAD or addendum to the PAD within 75 days.

On January 10, 2007, the Commission issued an Order dismissing Fall Creek's successive application for a three-year preliminary permit based on "failure to demonstrate adequate progress during the initial 3-year preliminary permit period." On February 8, 2007, a Request for Rehearing was filed with FERC, arguing that the Commission was in error by concluding that the Application should be dismissed for failure to demonstrate adequate progress during the initial 3-year preliminary permit period. That Request for Rehearing was dismissed as deficient because it failed to include a Statement of Issues section separate from its arguments. FERC did however explain that Fall Creek Hydro LLC's efforts, made near the end of the preliminary permit period, were too little and too late. FERC never did terminate the ILP. Since an ILP can go forward even without an outstanding preliminary permit, we will leave this entry on the list for now.

On May 18, 2007, Fall River Hydro filed an addendum to the PAD, after FERC requested Northwest Power Services file an updated PAD or addendum to the PAD. This is now the new date for filing of the NOI and PAD. FERC will be issuing Scoping Document 1 on or before July 17, 2007, and will hold scoping meetings and a site visit on August 16 and 17, 2007.

**OTTER CREEK (P-2558)**  
18 MW

NOI filing date, March 29, 2007

The existing Otter Creek Project consists of three developments on Otter Creek: (1) the Proctor development located in Proctor, VT; (2) the Beldens development located in New Haven, VT; and (3) the Huntington Falls development located in Weybridge, VT. Vermont Marble Power filed its Pre-Application Document on March 29, 2007. FERC issued a notice of the NOI and scoping meetings on May 21. Scoping meetings were held June 6 and comments are due July 27.

**BRASSUA PROJECT (P-2615)**  
4.18 MW

NOI filing date, March 29, 2007

On March 29, 2007, licensees FPL Energy Maine Hydro LLC, Madison Paper Industries, and Merimil Limited Partnership filed an NOI/PAD for the relicensing of their Brassua Project, located on the Moose River in Somerset County, Maine. The licensees requested that FERC conduct the relicensing using ILP. The current license expires March 31, 2012, and a license application must be filed with FERC on or before March 31, 2010. FERC issued a notice of NOI/PAD and scoping meetings on May 10. Scoping meetings were held June 28. Comments are due July 27. On July 24 FERC requested additional information and study plans to be filed by September 10. Comments were filed by various agencies and on July 27 by licensee. On September 10 FER C issued a Revised Scoping Document.

**NATURAL DAM (P-2851)**  
1.0 MW

NOI filing date, April 13, 2007

Cellu-Tissue's license for the Natural Dam project expires March 31, 2012. The project is located on the Oswegatchie River in Gouverneur, NY. Cellu-Tissue notified Indian tribes by letter dated August 7. On August 10, FERC granted authorization to Cellu-Tissue in order for them to conduct day-to-day Section 106 consultation responsibilities in regards to the relicensing effort. The PAD was filed on April 13, and its notice to use the ILP process was filed on April 17. FERC noticed the NOI/PAD and scoping meetings on May 30. Scoping meetings were held on June 26 and comments are due August 11. Comments were received from various entities. On August 24 FERC requested additional information and additional studies be filed by September 25.

**ROCK CREEK (P-12726)**

NOI filed April 17, 2007

2.3 MW (new capacity)

<http://www.eolp.net>

Eastern Oregon Light & Power Co., LLC (EOL&P) was formed to preserve the historic 1903 Rock Creek hydroelectric plant located in NE Oregon. EOL&P offers occasional public tours in cooperation with the local museum. The Pelton turbines, GE generators, and most of the meters and switchgear are original 1903 vintage. The plant ran until March 31, 1995, and was decommissioned in 2003.

EOL&P acquired the Rock Creek plant from the region's electric cooperative in May 2005. They filed their Preliminary Permit on August 21, 2005, and FERC issued their order granting EOL&P's Preliminary Permit on April 16, 2006.

EOL&P is proposing to restore the existing 800 KW back to operating condition, and construct a backup/spring run-off plant of approximately 1.5 MW. This will allow the site to operate in a historically accurate manner for tours, but having the backup plant would relieve much of the operational pressure on the historic plant. Additionally, the backup plant would be used for 4-10 weeks each spring to take advantage of the very high spring run-off flows in Rock Creek.

EOL&P e-filed their NOI and PAD on April 17, 2007. FERC noticed the NOI/PAD on June 12. Scoping meetings were held on July 12. Comments were due August 13.

EOL&P is currently compiling their study proposal (due Sept. 25). The study negotiation meeting will be held in the last half of October, 2007.

**EMERYVILLE HYDROELECTRIC PROJECT (P-2850)**

NOI filed May 31, 2007

3.5 MW NEW

Hampshire Paper Company's (HPC) project is on the Oswegatchie River in St. Lawrence County, NY. On June 8 FERC notified a number of Indian Tribes of the NOI/PAD. On July 30 FERC issued notice of the NOI/PAD, Scoping document, request for comments by September 28, and set up scoping meetings for August 28/29.

**WAILUA FALLS HYDROELECTRIC PROJECT (P-12534)**  
6.6 MW (New Capacity) NEW

NOI filed June 19, 2007

Pacific Energy Resources LLC's project would divert water from the South Fork Wailua River above Wailua Falls to a plant located 1.5 miles downstream, in Kauai County, Hawaii. On July 20 FERC wrote a letter requesting Northwest Power Services, the agent, to provide information about use of the Wailua River State Park by the project since Section 21 of the Federal Power Act may not allow use of eminent domain. FERC asked for more detailed information on project boundaries and whether applicant, if it needed to use state park land, had capability to acquire needed land rights without using eminent domain. Reply due within 45 days at which point further processing would be determined. On September 4 applicant replied to FERC saying they had written to the Hawaii Department of Land and Natural Resources for the purpose of executing a site use agreement for the portion of the proposed penstock that would occupy lands within the State park. The State agency had not responded yet.

**SCOTLAND PROJECT (P-2662)**  
2 MW (New)

NOI filed August 30, 2007

First Light Hydrogenating Company's project consists of an existing 391-foot-long, 32.5 to 35-foot-high structure consisting of earth, gated, and Ambursen type dam sections, a 134-acre reservoir with a usable capacity of 268 acre-feet and a powerhouse at the east abutment containing a single 2,000 kW turbine generator. It is located on the Shetucket River in the town of Windham, CT. The Scotland facility is currently operated as a pulsing project whereby two feet of pond storage is used to operate the one unit at best gate, or when flows are high, at full gate. FirstLight is evaluating its options relative to future project operations including continuing with the current mode of operation or potentially converting the facility to run-of-river...FirstLight is currently evaluating how changes in project operation would impact generation at the site as well as the cost associated with modifying the existing unit.

**SCOTLAND PROJECT (P-2662) Competing Application**  
2 MW existing, 2.4 MW new capacity (New)

NOI filed August 30, 2007

Norwich Public Utilities filed an NOI/PAD to compete with FirstLight's project. NPU proposes to expand the available generating capacity of the project. In addition to the single vertical propeller turbine and generator already present, the powerhouse would be equipped with a second generating unit consisting of a new vertical Kaplan turbine and a new generator with an installed capacity of 2,400 kW. The expanded Scotland Project would utilize a hydraulic head of approximately 26.9 feet and be capable of generating approximately 10,000,000 kWh on an average annual basis. NPU proposes to change the operation of the Scotland Project from the present store and release regime to a continuous run-of-river mode.



**THOMSON PROJECT (P-12741)**  
20 MW (new capacity)

Est. NOI filing date, unknown

Albany Engineering Corporation's Thomson Project was granted a preliminary permit on March 6, 2007. It will utilize an existing dam owned by New York State Canal Corporation (NYSCC) and is located on the Hudson River. The project had its request to use the TLP process denied on December 26, 2006. Albany Engineering responded to FERC on May 25. At the present time, Albany Engineering is waiting for FERC confirmation of the required scoping meeting, which is currently planned for October 2007. AEC has had preliminary discussions with Georgia-Pacific LLC, which owns the property adjacent to the north shore of the Hudson River in Washington County where the proposed Thomson Project is to be developed, as well as with New York State Canal Corporation. AEC is confident it will have access to all required properties necessary to complete the required studies.

**SAVE THE DATE**  
**2008 NHA Annual Conference, April 13-16**