

## MEMORANDUM

**TO:** Bishop Creek Technical Work Group Members  
**FROM:** Bishop Creek Relicensing Team  
**DATE:** August 6, 2018  
**RE:** FERC Scoping Overview

---

On July 13, 2018, the Oversight Committee for the Bishop Creek Hydroelectric Project (Project) relicensing effort previewed the upcoming Technical Working Group (TWG) meetings, scheduled for August 14 and 15, 2018 in Bishop, California. During the call, there was a discussion about the Federal Energy Regulatory Commission's (FERC) scoping process, as required by the National Environmental Policy Act (NEPA) of 1969. Participants were interested in the expectations that FERC will have for the Southern California Edison Company (SCE) under the Integrated Licensing Process (ILP)<sup>1</sup>.

NEPA, FERC's regulations, and other applicable laws require that FERC independently evaluate the environmental effects of relicensing the Project as proposed and consider reasonable alternatives to the licensee's proposed action. For a project of this scale, FERC would typically prepare an environmental assessment (EA) that describes and evaluates the probable effects, including an assessment of the site-specific and cumulative effects, if any, of the proposed action and alternatives. The EA preparation would be supported by a scoping process to ensure identification and analysis of all pertinent issues.

### **The Scoping Process**

Following SCE's filing of the Preliminary Application Document (PAD) and Notice of Intent (NOI), FERC will issue Scoping Document 1 (SD1), which will advise all participants as to the proposed scope of the EA and to seek additional information pertinent to this analysis. The preliminary issues and studies identified at this stage will be largely extracted from the PAD and the consultation that SCE completed with the TWGs. With SD1, FERC is inviting participation from federal, state, and local resource agencies; Indian tribes; non-governmental organizations (NGO); and the public (collectively, "stakeholders") to identify significant environmental and socioeconomic issues related to the proposed Project.

There will be several opportunities for input into the scoping process. First, FERC will host a scoping meeting, following the issuance of SD1, at the Project (or nearby) that will include a site tour and public meetings. Second, there will be a comment period during which stakeholders can comment on the PAD and SD1 and request studies. If additional issues are identified during these meetings and comment periods, FERC will issue a Scoping Document 2 (SD2) to reflect the new issues.

---

<sup>1</sup> SCE is using a "Hybrid Integrated Licensing Process" which is intended to reach early agreement on study plans. These plans would be filed with the Preliminary Application Document. Normally study plans are developed following the PAD. This process is intended to provide iterative opportunities for stakeholder input and discussion.

The scoping documents will identify the resources likely to be cumulatively affected by the Project and site-specific resources issues that must be analyzed by FERC to determine Project effects and the appropriateness of proposed environmental measures as part of any new license for the Project. It is then the responsibility of SCE to propose a suite of study plans that will provide FERC with the information needed for their analysis. However, this is an iterative process that involves stakeholder comments and suggestions and, ultimately results in approved study plans from FERC through a Study Plan Determination (SPD).

### **Anticipated Studies**

FERC does not have a list of required studies that are expected of licensees. Rather, FERC will require studies or more information gathering if additional information about the resource is needed to address the effects of the continued operation of the Project. In some cases, when little existing information was available or provided in the PAD, this list may be extensive. In others, where the resources are well understood, the project is likely to have minimal impact, and very few or no studies may be required. Projects that are not proposing changes in operations or facilities typically need to provide less information for FERC to analyze the effects of the project.

Environmental Exhibit (Exhibit E) of the license application, is where SCE will address the resources listed in the PAD, and any other resources identified in SD2 (or SD1 if no SD2 is issued). Exhibit E requires a detailed description by each resource area of the affected environment or area(s) that may be affected by the proposed Project; and a discussion of Project effects to the environment, based in part on results of the studies conducted under the approved SPD.

### **Example Projects**

It would be useful to review scoping documents developed for other comparable projects to obtain a sense of the issues that could come up in the scoping process. However, it is important to remember that all projects are different in terms of operation, the presence or absence of listed species, and the degree to which federal lands may be involved.

In the case of the Bishop Creek Hydroelectric Project, Kleinschmidt Associates (Kleinschmidt) reviewed another relicensing (Eastman Falls Hydroelectric Project, P-2457-038) that may be comparable: the licensee proposed to continue to operate and maintain the project; no new developments or changes in project operation were proposed. The SD1 summarized issues identified in the PAD and no significant new issues were raised during the FERC scoping meeting. Because a SD2 was not issued, the applicant developed a study plan to address issues identified in the PAD. SD1 from this example is included as Attachment 1.

There are other SD2 examples from California, but they are difficult to compare with the issues in this relicensing because of their size and complexity. Some sample SD2s, along with their dates of issuance are included below, which would aid in locating these documents in FERC's e-library.

Project (FERC No)	Date of SD2	Licensee
Bucks Creek Hydroelectric Project (FERC P-619)	05/29/2014	Pacific Gas and Electric Company
Yuba River Hydroelectric Project (FERC P-2246)	04/18/2011	Yuba County Water Agency
Merced River Hydroelectric Project	4/17/2009	Merced Irrigation District

**Applicability to Bishop Creek Hydroelectric Project Relicensing**

SCE is using the Hybrid-ILP process for this Project to identify resource questions and to collaboratively develop study plans that would be included in the PAD and NOI. The study plans, which would be developed consistent with FERC guidelines (18 CFR § 5.9), will be responsive to stakeholders’ and resource agencies’ concerns, public interest considerations, and resource management goals and objectives for the Project. By receiving the study plans prior to the scoping meeting, FERC will understand that the key resource questions of resource agencies, Tribes, and the public have been identified.

Collective investment prior to the PAD and NOI filing will benefit all parties by simplifying and accelerating the scoping and SPD process. This could result in 1) more time to collect additional information if necessary, and 2) more time to discuss and develop meaningful protection mitigation and enhancement measures for the next license term. A good example of how this process can benefit the SPD phase can be found in the FERC docket for the Middle Fork American River Relicensing (FERC P-2079). Attachment 2 is a letter from FERC granting a request from the licensee (Placer County) to expedite the SPD process, based on achieving early stakeholder consensus.

**ATTACHMENT 1: EXAMPLE SCOPING DOCUMENT**

FEDERAL ENERGY REGULATORY COMMISSION  
Washington, DC 20426  
August 31, 2012

OFFICE OF ENERGY PROJECTS

Project No. 2457-038 – New Hampshire  
Eastman Falls Hydroelectric Project  
Public Service Company of New  
Hampshire

**Subject: Scoping Document 1 for Eastman Falls Hydroelectric Project, P-2457-038**

To the Party Addressed:

The Federal Energy Regulatory Commission (Commission) is currently reviewing the Pre-Application Document submitted by Public Service Company of New Hampshire (PSNH) for relicensing the Eastman Falls Hydroelectric Project (Eastman Falls Project) (FERC No. 2457). The Eastman Falls Project is located on the Pemigewasset River in the city of Franklin and the towns of Hill, Sanbornton, Bristol, and New Hampton, within Merrimack and Belknap Counties, New Hampshire. The Eastman Falls Project is located approximately 1 mile upstream of its confluence with the Winnepesaukee River and approximately 1.5 miles downstream of the United States Army Corps of Engineers (Corps) Franklin Falls Flood Control Dam (Franklin Falls). The Franklin Falls impoundment is included within the Eastman Falls project boundary, but the Franklin Falls dam and facilities are not part of the Eastman Falls Project.

Pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended, Commission staff intends to prepare an environmental assessment (EA), which will be used by the Commission to determine whether, and under what conditions, to issue a new license for the project. To support and assist our environmental review, we are beginning the public scoping process to ensure that all pertinent issues are identified and analyzed, and that the EA is thorough and balanced.

We invite your participation in the scoping process, and are circulating the attached Scoping Document 1 (SD1) to provide you with information on the Eastman Falls Project. We are also soliciting your comments and suggestions on our preliminary list of issues and alternatives to be addressed in the EA. We are also requesting that you identify any studies that would help provide a framework for collecting pertinent information on the resource areas under consideration necessary for the Commission to prepare the EA for the project.

We will hold two scoping meetings for the Eastman Falls Project to receive input on the scope of the EA. A daytime meeting will be held at 1:00 p.m. on September 19, 2012, at the Franklin City Hall, Opera House, 316 Central Street, Franklin, NH. An evening meeting will be held at 7:00 p.m. on September 19, 2012, at Franklin City Hall, Opera House, 316 Central Street, Franklin, NH. We will also visit the project facilities on September 18, 2012, starting at 11:00 a.m.

We invite all interested agencies, Indian tribes, non-governmental organizations, and individuals to attend one or all of these meetings. Further information on our site visit and scoping meetings is available in the enclosed SD1.

SD1 is being distributed to both PSNH's distribution list and the Commission's official mailing list (see section 9.0 of the attached SD1). If you wish to be added to or removed from the Commission's official mailing list, please send your request by email to [efiling@ferc.gov](mailto:efiling@ferc.gov) or by mail to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Room 1A, Washington, DC 20426. All written or emailed requests must specify your wish to be removed from or added to the mailing list and must clearly identify the following on the first page: **Eastman Falls Hydroelectric Project No. 2457-038**.

Please review the SD1 and, if you wish to provide comments, follow the instructions in section 6.0, *Request for Information and Studies*. If you have any questions about SD1, the scoping process, or how Commission staff will develop the EA for this project, please contact Samantha Davidson at (202) 502-6839 or [samantha.davidson@ferc.gov](mailto:samantha.davidson@ferc.gov). Additional information about the Commission's licensing process and the Eastman Falls Project may be obtained from our website, [www.ferc.gov](http://www.ferc.gov). The Commission strongly encourages electronic filings.

Enclosure: Scoping Document 1

cc: Mailing List  
Public Files

---

---

SCOPING DOCUMENT 1  
EASTMAN FALLS HYDROELECTRIC PROJECT  
NEW HAMPSHIRE  
PROJECT NO. 2457-038

Federal Energy Regulatory Commission  
Office of Energy Projects  
Division of Hydropower Licensing  
Washington, DC

August 2012

---

---

## TABLE OF CONTENTS

1.0 INTRODUCTION .....	1
2.0 SCOPING.....	3
2.1 PURPOSES OF SCOPING .....	3
2.2 COMMENTS, SCOPING MEETINGS, AND SITE VISIT.....	4
3.0 PROPOSED ACTION AND ALTERNATIVES .....	6
3.1 NO-ACTION ALTERNATIVE .....	6
3.1.1 Existing Project Facilities and Operation.....	6
3.2 APPLICANT’S PROPOSAL .....	8
3.2.1 Proposed Project Facilities and Operations .....	8
3.2.2 Proposed Environmental Measures .....	8
3.3 ALTERNATIVES TO THE PROPOSED ACTION .....	8
3.4 ALTERNATIVES CONSIDERED BUT ELIMINATED FROM DETAILED STUDY .....	8
3.4.1 Federal Government Takeover .....	8
3.4.2 Non-power License.....	9
3.4.3 Project Decommissioning.....	9
4.0 SCOPE OF CUMULATIVE EFFECTS AND SITE-SPECIFIC RESOURCE ISSUES .....	9
4.1 CUMULATIVE EFFECTS.....	9
4.1.1 Resources that could be Cumulatively Affected .....	10
4.1.2 Geographic Scope .....	10
4.1.3 Temporal Scope .....	10
4.2 RESOURCE ISSUES.....	10
4.2.1 Geologic and Soils Resources .....	11
4.2.2 Aquatic Resources .....	11
4.2.3 Terrestrial Resources .....	11
4.2.4 Threatened and Endangered Species .....	12
4.2.5 Recreation and Land Use .....	12
4.2.6 Cultural Resources.....	12
4.2.7 Developmental Resources.....	12
5.0 PROPOSED STUDIES .....	12
6.0 REQUEST FOR INFORMATION AND STUDIES.....	13



7.0 EA PREPARATION SCHEDULE.....	15
8.0 PROPOSED EA OUTLINE .....	17
9.0 COMPREHENSIVE PLANS .....	19
10.0 MAILING LIST .....	21

**APPENDIX A — STUDY PLAN CRITERIA**

**APPENDIX B — PROCESS PLAN AND SCHEDULE**

**LIST OF FIGURES**

Figure 1. Merrimack River Basin showing the location of the Eastman Falls Project (Source: staff).....	2
Figure 2. Eastman Falls Project Site Plan (Source: PSNH as modified by staff).....	7

**LIST OF TABLES**

Table 1. PSNH’s initial study proposals for the Eastman Falls Project (Source: Eastman Falls PAD) .....	12
--	----

## SCOPING DOCUMENT 1

### Eastman Falls Hydroelectric Project, No. 2457-038

#### 1.0 INTRODUCTION

The Federal Energy Regulatory Commission (Commission or FERC), under the authority of the Federal Power Act (FPA),<sup>1</sup> may issue licenses for terms ranging from 30 to 50 years for the construction, operation, and maintenance of non-federal hydroelectric projects. On July 2, 2012, Public Service Company of New Hampshire (PSNH) filed a Pre-Application Document (PAD) and Notice of Intent to seek a new license for Eastman Falls Hydroelectric Project (Eastman Falls Project) (FERC Project No. 2457).<sup>2</sup>

The Eastman Falls Project is located at river mile (RM) 116.5 on the Pemigewasset River within the Merrimack River Basin (figure 1). The project is located in the city of Franklin and the towns of Hill, Sanbornton, Bristol, and New Hampton, within Merrimack and Belknap Counties, New Hampshire. The Eastman Falls Project is located approximately 1 mile upstream of the confluence of the Pemigewasset River with the Winnepesaukee River and approximately 1.5 miles downstream of the United States Army Corps of Engineers (Corps) Franklin Falls Flood Control Dam (Franklin Falls). The Franklin Falls impoundment is included within the Eastman Falls project boundary, but the Franklin Falls dam and facilities are not part of the Eastman Falls Project.

The Eastman Falls Project is operated as an un-manned run-of-river facility and releases a continuous minimum flow of 410 cubic feet per second (cfs) or inflow (whichever is less). The Eastman Falls Project includes two powerhouses each containing one turbine generating unit, rated at 1.8 megawatts (MW) and 4.6-MW respectively, for a total capacity of 6.4-MW. The average annual generation of the Eastman Falls Project is 27,417 megawatt-hours (MWh). A detailed description of the project is provided in section 3.0.

---

<sup>1</sup> 16 U.S.C. § 791(a)-825(r).

<sup>2</sup> The current license for the Eastman Falls Project was issued with an effective date of January 1, 1988, for a term of 30 years and expires on December 31, 2017.

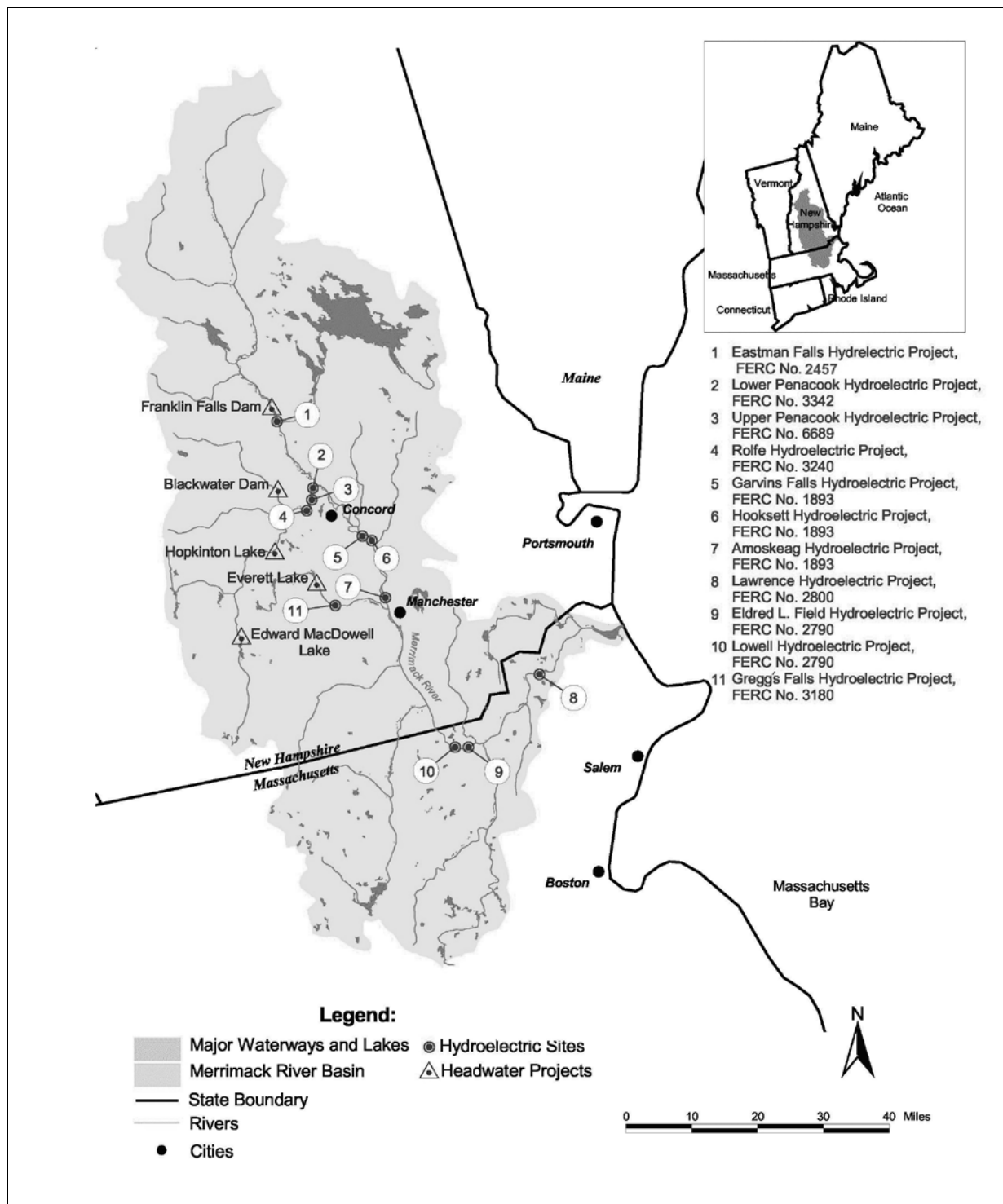


Figure 1. Merrimack River Basin showing the location of the Eastman Falls Project (Source: staff).

The National Environmental Policy Act (NEPA) of 1969,<sup>3</sup> the Commission's regulations, and other applicable laws require that we independently evaluate the environmental effects of relicensing the Eastman Falls Project as proposed, and also consider reasonable alternatives to the licensee's proposed action. At this time, we intend to prepare an environmental assessment (EA) that describes and evaluates the probable effects, including an assessment of the site-specific and cumulative effects, if any, of the proposed action and alternatives. The EA preparation will be supported by a scoping process to ensure identification and analysis of all pertinent issues. Although our current intent is to prepare an EA, there is a possibility that an environmental impact statement (EIS) will be required. The scoping process will satisfy the NEPA scoping requirements, irrespective of whether the Commission issues an EA or an EIS.

## **2.0 SCOPING**

This Scoping Document 1 (SD1) is intended to advise all participants as to the proposed scope of the EA and to seek additional information pertinent to this analysis. This document contains: (1) a description of the scoping process and schedule for the development of the EA; (2) a description of the proposed action and alternatives; (3) a preliminary identification of environmental issues and proposed studies; (4) a request for comments and information; (5) a proposed EA outline; and (6) a preliminary list of comprehensive plans that are applicable to the project.

### **2.1 Purposes of Scoping**

Scoping is the process used to identify issues, concerns, and opportunities for enhancement or mitigation associated with a proposed action. According to NEPA, the process should be conducted early in the planning stage of the project. The purposes of the scoping process are as follows:

- invite participation of federal, state and local resource agencies, Indian tribes, non-governmental organizations (NGOs), and the public to identify significant environmental and socioeconomic issues related to the proposed project;
- determine the resource issues, depth of analysis, and significance of issues to be addressed in the EA;
- identify how the project would or would not contribute to cumulative effects in the project area;

---

<sup>3</sup> National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321-4370(f) (2006).

- identify reasonable alternatives to the proposed action that should be evaluated in the EA;
- solicit, from participants, available information on the resources at issue, including existing information and study needs; and
- determine the resource areas and potential issues that do not require detailed analysis during review of the project.

## **2.2 Comments, Scoping Meetings, and Site Visit**

During preparation of the EA, there will be several opportunities for the resource agencies, Indian tribes, NGOs, and the public to provide input. These opportunities occur:

- during the public scoping process and study plan meetings, when we solicit oral and written comments regarding the scope of issues and analysis for the EA;
- in response to the Commission's notice that the project is ready for environmental analysis; and
- after issuance of the EA when we solicit written comments on the EA.

In addition to written comments solicited by this SD1, we will hold two public scoping meetings and a site visit in the vicinity of the project. A daytime meeting will focus on concerns of the resource agencies, NGOs, and Indian tribes, and an evening meeting will focus on receiving input from the public. We invite all interested agencies, Indian tribes, NGOs, and individuals to attend one or both of the meetings to assist us in identifying the scope of environmental issues that should be analyzed in the EA. All interested parties are also invited to participate in the site visit. The site visit will also include a courtesy tour of the upstream Franklin Falls Corps facility. The times and locations of the meetings and site visit are as follows:

### **Daytime Scoping Meeting**

Date and Time: Wednesday, September 19, 2012, 1:00 p.m. (EST)  
 Location: Franklin City Hall, Opera House  
 316 Central Street, Franklin, NH

Phone Number: (603) 934-1901

### **Evening Scoping Meeting**

Date and Time: Wednesday, September 19, 2012, 7:00 p.m. (EST)

Location: Franklin City Hall, Opera House  
316 Central Street, Franklin, NH

Phone Number: (603) 934-1901

### **Site Visit**

Date and Time: Tuesday, September 18, 2012, 11:00 a.m. (EST)

Location: Eastman Falls Hydroelectric Project  
215 North Main Street, Franklin, NH 03235

Phone Number: Curt Mooney at (603) 744-8855 (ext. 5841)

Please notify Curt Mooney at (603) 744-8855 (ext. 5841) or [curtis.mooney@nu.com](mailto:curtis.mooney@nu.com) by September 12, 2012, if you plan to attend the site visit.

The scoping meetings will be recorded by a court reporter, and all statements (verbal and written) will become part of the Commission's public record for the project. Before each meeting, all individuals who attend, especially those who intend to make statements, will be asked to sign in and clearly identify themselves for the record. Interested parties who choose not to speak or who are unable to attend the scoping meetings may provide written comments and information to the Commission as described in section 6.0. These meetings are posted on the Commission's calendar located on the internet at [www.ferc.gov/EventCalendar/EventsList.aspx](http://www.ferc.gov/EventCalendar/EventsList.aspx), along with other related information.

Meeting participants should come prepared to discuss their issues and/or concerns as they pertain to the relicensing of the Eastman Falls Project. It is advised that participants review the PAD in preparation for the scoping meetings. Copies of the PAD are available for review at the Commission in the Public Reference Room or may be viewed on the Commission's website ([www.ferc.gov](http://www.ferc.gov)), using the "eLibrary" link. Enter the docket number, P-2457, to access the documents. For assistance, contact FERC Online Support at [FERCONlineSupport@ferc.gov](mailto:FERCONlineSupport@ferc.gov) or toll free at 1-866-208-3676, or for TTY, (202) 502-8659. A copy of the PAD is also available for inspection and reproduction at the following address: PSNH Corporate Office, 780 North Commercial Street, Manchester, NH 03105.

Following the scoping meetings and comment period, all issues raised will be reviewed and decisions made as to the level of analysis needed. If preliminary analysis indicates that any issues presented in this scoping document have little potential for causing significant effects, the issue(s) will be identified and the reasons for not providing a more detailed analysis will be given in the EA.

If we receive no substantive comments on SD1, then we will not prepare a Scoping Document 2 (SD2). Otherwise, we will issue SD2 to address any substantive comments received. The SD2 will be issued for informational purposes only; no response will be required. The EA will address recommendations and input received during the scoping process.

### **3.0 PROPOSED ACTION AND ALTERNATIVES**

In accordance with NEPA, the environmental analysis will consider the following alternatives, at a minimum: (1) the no-action alternative, (2) the applicant's proposed action, and (3) alternatives to the proposed action.

#### **3.1 No-action Alternative**

Under the no-action alternative, the Eastman Falls Project would continue to operate as required by the current project license (i.e., there would be no change to the existing environment). No new environmental protection, mitigation, or enhancement measures would be implemented. We use this alternative to establish baseline environmental conditions for comparison with other alternatives.

##### **3.1.1 Existing Project Facilities and Operation**

The Eastman Falls Project consists of the following existing facilities: (1) a 341-foot-long, 37-foot-high concrete dam and spillway with a crest elevation of 301 feet United States Geological Survey datum (USGS) equipped with 6-foot-high flashboards and a crest elevation of 307 feet USGS; (2) a waste gate structure equipped with a 16-foot-high, 30-foot-wide slide gate; (3) a 530-acre, 9-mile-long impoundment, with a normal maximum pool elevation of 307 feet USGS; (4) two generating facilities on the west side of the dam, the first facility includes: (a) a 12.5-foot-high, 12.5-foot-wide intake structure equipped with a headgate and trashrack; (b) a 12.5-foot-high, 12.5-foot-wide, 21-foot-long penstock; and (c) a 29-foot-long, 29-foot-wide, 34-foot-high powerhouse 1 containing a single 1.8 megawatt (MW) Kaplan vertical-type turbine generator discharging water downstream of the dam; (5) the second facility includes: (a) an 18-foot-high, 18-foot-wide intake structure equipped with a headgate and trashrack;

(b) a 88-foot-long, 78-foot-wide, 56-foot-high powerhouse 2 containing a single 4.8 MW Kaplan horizontal-type turbine generator discharging water downstream of the dam; (6) a 100-foot-long, 2.4-kilovolt transmission line connecting both powerhouses to the regional distribution grid; and (7) appurtenant facilities (figure 2).

PSNH would continue to operate the project in a run-of-river mode and continue to release a continuous minimum flow of 410 cubic-feet-per-second (cfs), or inflow (whichever is less). The project has an average annual generation of 27,417 megawatt-hours.

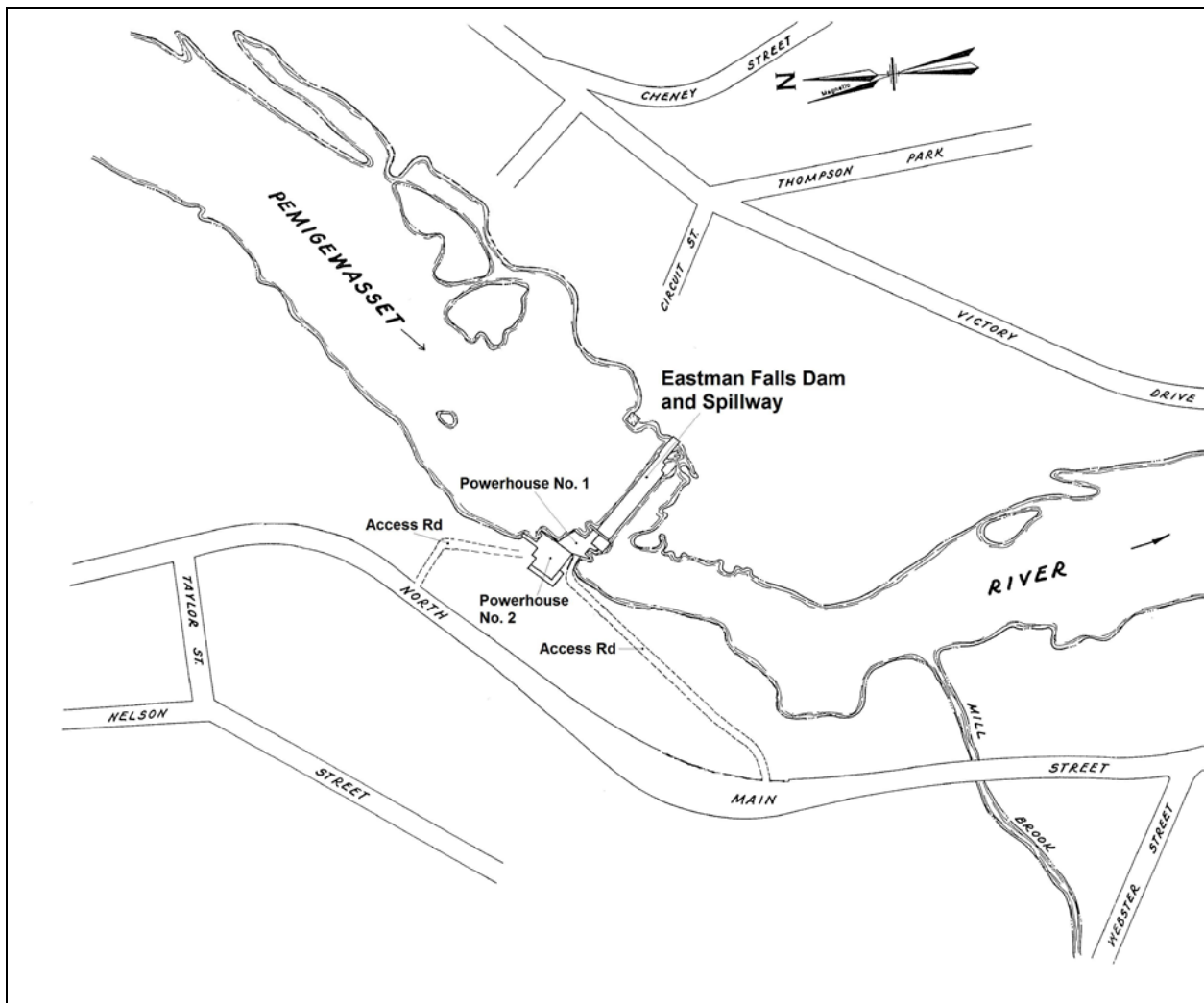


Figure 2. Eastman Falls Project Site Plan (Source: PSNH as modified by staff).



## **3.2 Applicant's Proposal**

The proposed action is to continue to operate and maintain the Eastman Falls Project on the Pemigewasset River. PSNH proposes no new developments or changes in project operation are proposed at this time. The current license for the project expires on December 31, 2017.

### **3.2.1 Proposed Project Facilities and Operations**

No new or upgraded facilities, structural changes, or operational changes to the Eastman Falls Project are proposed at this time.

### **3.2.2 Proposed Environmental Measures**

No new protection, mitigation, and enhancement (PM&E) measures are proposed at this time. PSNH proposes to continue to provide a 410 cfs minimum flow to protect aquatic resources downstream of the project. The potential need for additional PM&E measures would be evaluated during the relicensing process.

## **3.3 Alternatives to the Proposed Action**

Commission staff will consider and assess alternative recommendations for operational or facility modifications, as well as PM&E measures identified by the Commission, the agencies, Indian tribes, NGOs, and the public.

### **3.4 Alternatives Considered But Eliminated From Detailed Study**

At present, we propose to eliminate the following alternatives from detailed study in the EA.

#### **3.4.1 Federal Government Takeover**

In accordance with § 16.14 of the Commission's regulations, a federal department or agency may file a recommendation that the United States exercise its right to take over a hydroelectric power project with a license that is subject to sections 14 and 15 of the FPA.<sup>4</sup> We do not consider federal takeover to be a reasonable alternative. Federal takeover of the project would require congressional approval. While that fact alone

---

<sup>4</sup> 16 U.S.C. §§ 791(a)-825(r).

would not preclude further consideration of this alternative, there is currently no evidence showing that federal takeover should be recommended to Congress. No party has suggested that federal takeover would be appropriate, and no federal agency has expressed interest in operating the project.

### **3.4.2 Non-power License**

A non-power license is a temporary license the Commission would terminate whenever it determines that another governmental agency is authorized and willing to assume regulatory authority and supervision over the lands and facilities covered by the non-power license. At this time, no governmental agency has suggested a willingness or ability to take over the project. No party has sought a non-power license, and we have no basis for concluding that the Eastman Falls Project should no longer be used to produce power. Thus, we do not consider a non-power license a reasonable alternative to relicensing the project.

### **3.4.3 Project Decommissioning**

Decommissioning of the project could be accomplished with or without dam removal. Either alternative would require denying the relicense application and surrender or termination of the existing license with appropriate conditions. There would be significant costs involved with decommissioning the project and/or removing any project facilities. The project provides a viable, safe, and clean renewable source of power to the region. With decommissioning, the project would no longer be authorized to generate power.

No party has suggested project decommissioning would be appropriate in this case, and we have no basis for recommending it. Thus, we do not consider project decommissioning a reasonable alternative to relicensing the project with appropriate environmental measures.

## **4.0 SCOPE OF CUMULATIVE EFFECTS AND SITE-SPECIFIC RESOURCE ISSUES**

### **4.1 Cumulative Effects**

According to the Council on Environmental Quality's regulations for implementing NEPA (40 C.F.R. 1508.7), a cumulative effect is the effect on the environment that results from the incremental effect of the action when added to other past, present and reasonably foreseeable future actions, regardless of what agency (federal or non-federal)

or person undertakes such other actions. Cumulative effects can result from individually minor but collectively significant actions taking place over a period of time, including hydropower and other land and water development activities.

#### **4.1.1 Resources that could be Cumulatively Affected**

Based on information in the PAD and preliminary staff analysis, we have identified migratory fish, including American shad, Atlantic salmon, and American eel as resources that could be cumulatively affected by the continued operation of the project.<sup>5</sup>

#### **4.1.2 Geographic Scope**

At this time, we have tentatively identified the Merrimack River Basin as our geographic scope of analysis for cumulatively affected migratory fisheries resources. Activities within this basin that may cumulatively affect these migratory fish species include the construction and operation of dams within the river basin, which have resulted in migratory barriers and loss of spawning habitat.

#### **4.1.3 Temporal Scope**

The temporal scope of our cumulative effects analysis in the EA will include a discussion of past, present, and reasonably foreseeable future actions and their effects on each resource that could be cumulatively affected. Based on the potential term of a license, the temporal scope will look 30 to 50 years into the future, concentrating on the effect on the resources from reasonably foreseeable future actions. The historical discussion will, by necessity, be limited to the amount of available information for each resource. The quality and quantity of information, however, diminishes as we analyze resources further away in time from the present.

### **4.2 Resource Issues**

---

<sup>5</sup> Pages 4-21 through 4-23 of the PAD indicate that Atlantic salmon, American eel, and American shad “seasonally occur in the project waters.” However, page 5-1 of the PAD suggests that anadromous fish (salmon and shad) may require upstream passage “when such fish are present at the Eastman Falls dam.” Therefore, based on the information in the PAD, the occurrence of these species in the project area is not clear. If these species are not currently present and it is not reasonably foreseeable that they will be present during any new license term, our environmental document will not include a cumulative effects analysis of these species.

In this section, we present a preliminary list of environmental issues to be addressed in the EA. We identified these issues, which are listed by resource area, by reviewing the PAD and the Commission's record for the Eastman Falls Project. This list is not intended to be exhaustive or final, but contains those issues raised to date that could have substantial effects. After the scoping process is complete, we will review the list and determine the appropriate level of analysis needed to address each issue in the EA. Those issues identified by an asterisk (\*) will be analyzed for both cumulative and site-specific effects.

#### **4.2.1 Geologic and Soils Resources**

- None.

#### **4.2.2 Aquatic Resources**

- Effects of continued project operation on dissolved oxygen and temperature in the project reservoir and in the Pemigewasset River downstream of the project dam.
- Effects of continued project operation on upstream and downstream fish movements and access to habitat.\*<sup>6</sup>
- Effects of continued project operation on fish and aquatic habitat in the project reservoir and in the Pemigewasset River downstream of the project dam.

#### **4.2.3 Terrestrial Resources**

- Effects of continued project operation, including reservoir fluctuations, on riparian, littoral, and wetland habitat and associated wildlife.
- Effects of continued project operation, including maintenance activities

---

<sup>6</sup> Page 5-1, section 5.1.3, of the PAD notes that upstream fish passage of anadromous fish, is an issue that has been addressed by the *Comprehensive Plan for Provision of Anadromous Fish Passage Measures and Facilities at PSNH's Merrimack-Pemigewasset River Hydroelectric Dams* (FERC Project Nos. 1893, 2456, and 2457). The current agreement required review of the need for upstream fish passage for anadromous fish in 2010; however, PSNH and the United States Fish and Wildlife Service agreed to revisit the need for upstream fish passage again in 2015.

(e.g., road maintenance, vegetation management) on wildlife habitat and associated wildlife, including New Hampshire State designated exemplary natural communities.

#### **4.2.4 Threatened and Endangered Species**

- Effects of continued project operation and maintenance on state-listed species, including: the New Hampshire state endangered brook floater (*Alasmidonta varicosa*) and common nighthawk (*Chordeiles minor*), the New Hampshire state threatened bald eagle (*Haliaeetus leucocephalus*) and common loon (*Gavia immer*), and the New Hampshire state species of concern Osprey (*Pandion haliaeetus*).

#### **4.2.5 Recreation and Land Use**

- Effects of continued project operation on the adequacy, condition, and need for enhancement of existing recreational facilities and public access in the project area.

#### **4.2.6 Cultural Resources**

- Effects of continued project operation on historic properties and archaeological and/or tribal resources within the project Area of Potential Effect.

#### **4.2.7 Developmental Resources**

- Economics of the project and the effects of any recommended environmental measures on the project's economics.

### **5.0 PROPOSED STUDIES**

PSNH's initial study proposals are identified by resource area in table 1. Detailed information on PSNH's initial study proposals can be found in the PAD. Further studies may need to be added to this list based on comments provided to FERC and PSNH from interested participants, include Indian tribes.

Table 1. PSNH's initial study proposals for the Eastman Falls Project.  
(Source: Eastman Falls PAD)

<b>Resource Area and Issue</b>	<b>Proposed Study/information need</b>
<b>Aquatic Resources</b>	
<i>Water quality and quantity</i>	Conduct a baseline water quality study of the project reservoir and tailwater to confirm compliance with Class B water quality standards.
<b>Terrestrial Resources</b>	
<i>Wetlands, riparian, and littoral habitats</i>	Conduct a limited study to confirm the locations, extents, and classifications of wetlands found on National Wetland Inventory mapping.
<i>Rare, Threatened and Endangered Species</i>	Conduct a field survey of the impoundment and tailwater area to determine if the brook floater mussel is present in the area and to confirm locations of the exemplary natural communities.

## **6.0 REQUEST FOR INFORMATION AND STUDIES**

We are asking federal, state, and local resource agencies; Indian tribes; NGOs; and the public to forward to the Commission any information that will assist us in conducting an accurate and thorough analysis of the project-specific and cumulative effects associated with relicensing the Eastman Falls Project. The types of information requested include, but are not limited to:

- information, quantitative data, or professional opinions that may help define the geographic and temporal scope of the analysis (both site-specific and cumulative effects), and that helps identify significant environmental issues;
- identification of, and information from, any other EA, EIS, or similar environmental study (previous, on-going, or planned) relevant to the proposed relicensing of the Eastman Falls Project;
- existing information and any data that would help to describe the past and present actions and effects of the project and other developmental activities on environmental and socioeconomic resources;

- information that would help characterize the existing environmental conditions and habitats;
- the identification of any federal, state, or local resource plans, and any future project proposals in the affected resource area (e.g., proposals to construct or operate water treatment facilities, recreation areas, water diversions, timber harvest activities, or fish management programs), along with any implementation schedules);
- documentation that the proposed project would or would not contribute to cumulative adverse or beneficial effects on any resources. Documentation can include, but need not be limited to, how the project would interact with other projects in the area and other developmental activities; study results; resource management policies; and reports from federal and state agencies, local agencies, Indian tribes, NGOs, and the public;
- documentation showing why any resources should be excluded from further study or consideration; and
- study requests by federal and state agencies, local agencies, Indian tribes, NGOs, and the public that would help provide a framework for collecting pertinent information on the resource areas under consideration necessary for the Commission to prepare the EA/EIS for the project.

All requests for studies filed with the Commission must meet the criteria found in Appendix A, *Study Plan Criteria*.

The requested information, comments, and study requests should be submitted to the Commission no later than October 30, 2012. All filings must clearly identify the following on the first page: **Eastman Falls Project (P-2457-038)**. Scoping comments may be filed electronically via the Internet. See 18 C.F.R. 385.2001(a)(1)(iii) and the instructions on the Commission's website <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll free at 1-866-208-3676, or for TTY, (202) 502-8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail an original and seven copies to: Kimberly D.

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

Register online at <http://www.ferc.gov/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, please contact FERC Online Support.

Any questions concerning the scoping meetings, site visit, or how to file written comments with the Commission should be directed to Samantha Davidson at (202) 502-6839 or [samantha.davidson@ferc.gov](mailto:samantha.davidson@ferc.gov). Additional information about the Commission's licensing process and the Eastman Falls Project may be obtained from the Commission's website, [www.ferc.gov](http://www.ferc.gov).

## **7.0 EA PREPARATION SCHEDULE**



At this time, we anticipate preparing a single EA. The EA will be sent to all persons and entities on the Commission’s service and mailing lists for the Eastman Falls Project. The EA will include our recommendations for operating procedures, as well as environmental protection and enhancement measures that should be part of any license issued by the Commission. All recipients will then have 30 days to review the EA and file written comments with the Commission.

The major milestones, including those for preparing the EA, are as follows: <sup>7</sup>

<u>Major Milestone</u>	<u>Target Date</u>
Scoping Meetings	September 2012
License Application Filed	December 2015
Ready for Environmental Analysis Notice Issued	February 2016
Deadline for Filing Comments, Recommendations, and Agency Terms and Conditions/Prescriptions	April 2016
Single EA Issued	August 2016
Comments on EA Due	September 2016
Deadline for Filing Modified Agency Recommendations	November 2016

If Commission staff determines that there is a need for additional information or additional studies, the issuance of the Ready for Environmental Analysis notice could be delayed. If this occurs, all subsequent milestones would be delayed by the time allowed for PSNH to respond to the Commission’s request. A copy of PSNH’s process plan, which has a complete list of relicensing milestones for the Eastman Falls Project, including those for developing the license application, is attached as Appendix B to this SD1.

## **8.0 PROPOSED EA OUTLINE**

---

<sup>7</sup> This schedule assumes that a single EA would be prepared. If a draft and final EA or EIS is prepared the target dates for comments on the draft EA or EIS and deadline for filing modified agency recommendations may need to be revised.

The preliminary outline for the Eastman Falls Hydroelectric Project EA is as follows:

- TABLE OF CONTENTS
- LIST OF FIGURES
- LIST OF TABLES
- ACRONYMS AND ABBREVIATIONS
- EXECUTIVE SUMMARY

## 1.0 INTRODUCTION

- 1.1 Application
- 1.2 Purpose of Action and Need for Power
- 1.3 Statutory and Regulatory Requirements
  - 1.3.1 Federal Power Act
    - 1.3.1.1 Section 18 Fishway Prescriptions
    - 1.3.1.2 Section 4(e) Conditions
    - 1.3.1.3 Section 10(j) Recommendations
    - 1.3.1.4 Section 30(c) Fish and Wildlife Conditions
  - 1.3.2 Clean Water Act
  - 1.3.3 Endangered Species Act
  - 1.3.4 Coastal Zone Management Act
  - 1.3.5 National Historic Preservation Act
  - 1.3.6 Fishery Conservation and Management Act
  - Other statutes as applicable
- 1.4 Public Review and Comment
  - 1.4.1 Scoping
  - 1.4.2 Interventions
  - 1.4.3 Comments on the Application

## 2.0 PROPOSED ACTION AND ALTERNATIVES

- 2.1 No-action Alternative
  - 2.1.1 Existing Project Facilities
  - 2.1.2 Project Safety
  - 2.1.3 Existing Project Operation
  - 2.1.4 Existing Environmental Measures
- 2.2 Applicant's Proposal
  - 2.2.1 Proposed Project Facilities
  - 2.2.2 Proposed Project Operation
  - 2.2.3 Proposed Environmental Measures
  - 2.2.4 Modifications to Applicant's Proposal—Mandatory Conditions
- 2.3 Staff Alternative

- 2.4 Staff Alternative with Mandatory Conditions
  - 2.5 Other Alternatives (as appropriate)
  - 2.6 Alternatives Considered but Eliminated from Detailed Study
    - 2.6.1 Federal Government Takeover of the Project
    - 2.6.2 Issuing a Nonpower License
    - 2.6.3 Retiring the Project
  - 3.0 ENVIRONMENTAL ANALYSIS
    - 3.1 General Description of the River Basin
    - 3.2 Scope of Cumulative Effects Analysis
      - 3.2.1 Geographic Scope
      - 3.2.2 Temporal Scope
    - 3.3 Proposed Action and Action Alternatives
      - 3.3.1 Aquatic Resources
      - 3.3.2 Terrestrial Resources
      - 3.3.3 Threatened and Endangered Species
      - 3.3.4 Recreation and Land Use
      - 3.3.5 Cultural Resources
      - 3.3.6 Developmental Resources
    - 3.4 No-action Alternative
  - 4.0 DEVELOPMENTAL ANALYSIS
    - 4.1 Power and Economic Benefits of the Project
    - 4.2 Comparison of Alternatives
    - 4.3 Cost of Environmental Measures
    - 4.4 Air Quality (as needed)
  - 5.0 CONCLUSIONS AND RECOMMENDATIONS
    - 5.1 Comparison of Alternatives
    - 5.2 Comprehensive Development and Recommended Alternative
    - 5.3 Unavoidable Adverse Effects
    - 5.4 Recommendations of Fish and Wildlife Agencies
    - 5.5 Consistency with Comprehensive Plans
  - 6.0 FINDING OF NO SIGNIFICANT IMPACT (OR OF SIGNIFICANT IMPACT)
  - 7.0 LITERATURE CITED
  - 8.0 LIST OF PREPARERS
- APPENDICES
- A—Draft License Conditions Recommended by Staff

## 9.0 COMPREHENSIVE PLANS

Section 10(a)(2) of the FPA, 16 U.S.C. section 803(a)(2)(A), requires the Commission to consider the extent to which a project is consistent with federal and state comprehensive plans for improving, developing, or conserving a waterway or waterways affected by a project. The staff has preliminarily identified and reviewed the plans listed below that may be relevant to the Eastman Falls Project. Agencies are requested to review this list and inform the Commission staff of any changes. If there are other comprehensive plans that should be considered for this list that are not on file with the Commission, or if there are more recent versions of the plans already listed, they can be filed for consideration with the Commission according to 18 CFR 2.19 of the Commission's regulations. Please follow the instructions for filing a plan at <http://www.ferc.gov/industries/hydropower/gen-info/licensing/complan.pdf>.

The following is a list of comprehensive plans currently on file with the Commission that may be relevant to the Eastman Falls Project.

Atlantic States Marine Fisheries Commission. 2000. Interstate Fishery Management Plan for American eel (*Anguilla rostrata*). (Report No. 36). April 2000.

Merrimack River Policy and Technical Committees. 1990. Strategic plan for the restoration of Atlantic salmon to the Merrimack River, 1990 through 2004. Concord, New Hampshire. April 1990. 63 pp.

National Marine Fisheries Service. 1998. Final Amendment #11 to the Northeast Multi-species Fishery Management Plan; Amendment #9 to the Atlantic sea scallop Fishery Management Plan; Amendment #1 to the monkfish Fishery Management Plan; Amendment #1 to the Atlantic salmon Fishery Management Plan; and Components of the proposed Atlantic herring Fishing Management Plan for Essential Fish Habitat. Volume 1. October 7, 1998.

National Marine Fisheries Service. 1998. Recovery Plan for the shortnose sturgeon (*Acipenser brevirostrum*). Prepared by the Shortnose Sturgeon Recovery Team for the National Marine Fisheries Service, Silver Spring, Maryland. December 1998.

National Oceanic and Atmospheric Administration, Office of Ocean and Coastal Resource Management. New Hampshire Office of State Planning. 1988. New Hampshire coastal program and final environmental impact statement. Washington, D.C. July 1988. 242 pp.

- National Park Service. 1982. The nationwide rivers inventory. Department of the Interior, Washington, DC. January 1982.
- New Hampshire Office of State Planning. 1977. Wild, scenic, & recreational rivers for New Hampshire. Concord, New Hampshire. June 1977. 63 pp.
- New Hampshire Office of State Planning. 1989. New Hampshire wetlands priority conservation plan. Concord, New Hampshire. 95 pp.
- New Hampshire Office of Energy and Planning. New Hampshire Statewide Comprehensive Outdoor Recreation Plan (SCORP): 2008-2013. Concord, New Hampshire. December 2007.
- New Hampshire Office of State Planning. 1991. Public access plan for New Hampshire's lakes, ponds, and rivers. Concord, New Hampshire. November 1991. 65 pp.
- New Hampshire Office of State Planning. 1991. Upper Merrimack River corridor plan-volume 2: management plan. Concord, New Hampshire. March 1991. 60 pp.
- Policy Committee for Fisheries Management of the Connecticut River. 1982. A strategic plan for the restoration of Atlantic salmon to the Connecticut River Basin. Laconia, New Hampshire. September 1982. 49 pp.
- Policy Committee for Anadromous Fishery Management of the Merrimack River Basin. 1985. A strategic plan for the restoration of Atlantic salmon to the Merrimack River Basin, 1985 through 1999. Laconia, New Hampshire. May 1985. 24 pp.
- State of New Hampshire. 1991. New Hampshire rivers management and protection program [as compiled from NH RSA Ch. 483, HB 1432-FN (1990) and HB 674-FN (1991)]. Concord, New Hampshire. 19 pp.

## 10.0 MAILING LIST

The list below is the Commission’s official mailing list for the Eastman Falls Project (FERC No. 2457). If you want to receive future mailings for the Eastman Falls Project and are not included in the list below, please send your request by email to [efiling@ferc.gov](mailto:efiling@ferc.gov) or by mail to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Room 1A, Washington, DC 20426. All written and emailed requests to be added to the mailing list must clearly identify the following on the first page: Eastman Falls Project No. 2457-038. You may use the same method if requesting removal from the mailing list below.

Register online at <http://www.ferc.gov/esubscribenow.htm> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll free at 1-866-208-3676, or for TTY, (202) 502-8659.

### Mailing List

United States Army Corps. of Engineers 441 G Street N.W. Washington, D.C. 20314- 1000	NOAA Fisheries Service Partnerships and Communications 1315 East-West Highway Silver Spring, MD 20910	United States Army Corps. of Engineers New England District 696 Virginia Road Concord, MA 01742-2751
Mr. Glenn Normandeau Executive Director New Hampshire Fish and Game Department 11 Hazen Drive Concord, NH 03301-6500	United States Army Corps. of Engineers Merrimack River Basin Office 2097 Maple Street Contoocook, NH 03329	Ms. Carol Henderson New Hampshire Fish and Game Department 11 Hazen Drive Concord, NH 03301-6500
United States Fish and Wildlife Service Northeast Regional Office 300 Westgate Center Drive Hadley, MA 01035-9587	Mr. Kenneth Carr United States Fish and Wildlife Service New England Office 70 Commercial Street Suite 300 Concord, NH 03301	Mr. Steven J. Weber Chief Wildlife Division New Hampshire Fish and Game Department 11 Hazen Drive Concord, NH 03301-6500

<p>Mr. John Warner  United States Fish and Wildlife Service  New England Office  70 Commercial Street  Suite 300  Concord, NH 03301</p>	<p>United States Environmental Protection Agency  5 Post Office Square  Suite 100  Boston, MA 02109-3912</p>	<p>Mr. Ralph Abele  USEPA Region 1  New England  5 Post Office Square  Suite 100  Boston, MA 02109-3912</p>
<p>Mr. Joe McKeon  United States Fish and Wildlife Service  Central New England Fisheries Resource Office  151 Broad Street  Nashua, NH 03063</p>	<p>Environmental Protection Agency  Ariel Rios Building  1200 Pennsylvania Avenue, N.W.  Washington, D.C. 20460</p>	<p>Daniel Morris  Acting Regional Administrator  National Marine Fisheries Service  55 Great Republic Drive  Gloucester, MA 01930-2276</p>
<p>Thomas S. Burack  Commissioner  New Hampshire Department of Environmental Services  29 Hazen Drive  P.O. Box 95  Concord, NH 03302-0095</p>	<p>Harry T. Stewart, P.E.  Director  NHDES Water Division  29 Hazen Drive  P.O. Box 95  Concord, NH 03302-0095</p>	<p>Mr. Brad Simpkins  Director  New Hampshire Department of Resources and Economic Development  Forest and Lands Division  172 Pembroke Road  Concord, NH 03301</p>
<p>NHDES Dam Bureau  29 Hazen Drive  P.O. Box 95  Concord, NH 03302-0095</p>	<p>NHDES Drinking Water and Groundwater Bureau  29 Hazen Drive  P.O. Box 95  Concord, NH 03302-0095</p>	<p>NHDES Shoreland Program  29 Hazen Drive  P.O. Box 95  Concord, NH 03302-0095</p>

<p>NHDES Wetlands Bureau 29 Hazen Drive P.O. Box 95 Concord, NH 03302-0095</p>	<p>Director Parks and Recreation Division New Hampshire Department of Resources and Economic Development 172 Pembroke Road Concord, NH 03301</p>	<p>Kevin Mendik National Park Service 15 State Street 10<sup>th</sup> Floor Boston, MA 02109-3502</p>
<p>Duncan Hay National Park Service 15 State Street 10<sup>th</sup> Floor Boston, MA 02109-3502</p>	<p>Chris Williams Federal Consistency Coordinator Coastal Program Pease Field Office 222 International Drive, Suite 175 Portsmouth, NH 03801</p>	<p>Van McLeod Commissioner New Hampshire Department of Cultural Resources 20 Park Street Concord, NH 03301-6314</p>
<p>Mr. Greg Comstock NHDES Watershed Management Bureau 6 Hazen Drive; P.O. Box 95 Concord, NH 03302-0095</p>	<p>George Bald Commissioner New Hampshire Department of Resources and Economic Development 172 Pembroke Road Concord, NH 03301</p>	<p>Elizabeth Muzzey Director New Hampshire Department of Cultural Resources 19 Pillsbury Street, 2<sup>nd</sup> Floor Concord, NH 03301-3570</p>
<p>Joanne Morin Director New Hampshire Office of Energy and Planning 4 Chenell Drive Concord, NH 03301-8519</p>	<p>Bob Veloski Town Administrator Town of Sanbornton, NH P.O. Box 124 Sanbornton, NH 03269</p>	<p>Belknap County Commissioners 34 County Drive Concord, NH 03301-8519</p>
<p>Lakes Region Planning Commission 103 Main Street, Suite 3 Meredith, NH 03253</p>	<p>Grafton County Commissioners 3855 Dartmouth College Highway, Box 1 North Haverhill, NH 03774</p>	<p>Max Stamp Chair Pemigewasset River Local Advisory Committee 2110 Summer Street Bristol, NH 03222</p>



<p>Elizabeth Dragon Town Administrator City of Franklin, NH 316 Central Street Franklin, NH 03235-0235</p>	<p>Charles True Speaker Abenaki Nation of New Hampshire 262 Lancaster Road Whitefield, NH 03598</p>	<p>Town of Hill, NH 30 Crescent Street Hill, NH 03243</p>
<p>Merrimack County Commissioners County Government Offices 333 Daniel Webster Highway, Suite 2 Boscawen, NH 03303</p>	<p>Michael Capone Town Administrator Town of Bristol, NH 940 Lake Street Bristol, NH 03222</p>	<p>Michael L. Tremblay Chair Upper Merrimack River Local Advisory Committee P.O. Box 3019 Boscawen, NH 03303</p>
<p>Cowasuck Band of the Pennacook-Abenaki People P.O. Box 52 840 Suncook Valley Road (Route 58) Alton, NH 03809-0052</p>	<p>Barbara Lucas Town Administrator Town of New Hampton, NH P.O. Box 538 New Hampton, NH 03256</p>	<p>Nancy Millette Doucet Chief Koasek Traditional Abenaki of the KOAS P.O. Box 42 Newbury, VT 05051</p>
<p>Brian Chenevert Chief Koasek Traditional Abenaki Nation P.O. Box 147 Post Mills, VT 05058-0147</p>	<p>Audubon Society of New Hampshire 84 Silk Farm Road Concord, NH 03301</p>	<p>Don Stevens Chief Nulhegan Band of the Coosuk-Abenaki Nation 158 Whiting Lane Brownington, VT 05860</p>
<p>Audubon Society of New Hampshire Newfound Center North Shore Road Hebron, NH 03241</p>	<p>Conservation Law Foundation 27 North Main Street Concord, NH 03301-4930</p>	<p>Roy Sebastian Chairperson Eastern Pequot Reservation Eastern Area Office North Stonington, CT 06359</p>

NH Rivers Council 54 Portsmouth Street Concord, NH 03301	NH Wildlife Federation 4 Portsmouth Street Concord, NH 03301	Moonface Bear Leader Golden Hill Indian Reservation Golden Hill Paugussett 3 Chief Government 95 Stanavage Road Trumbull, CT 06514
Society for the Protection of New Hampshire Forests 54 Portsmouth Street Concord, NH 03301	Roy Sebastian Chairperson Paucatuck Eastern Pequot Tribe Eastern Area Office 935 Lantern Hill Road Ledyard, CT 06339	The Nature Conservancy New Hampshire Field Office 22 Bridge Street, 4 <sup>th</sup> Floor Concord, NH 03301
Richard Velky Chairperson Schaghticoke Tribal Nation of Kent Schaghticoke Tribal Council 33 Elizabeth Street, 4 <sup>th</sup> Floor Derby, CT 06418	Pemi Chapter of Trout Unlimited P.O. Box 1356 Thornton, NH 03285	Merrimack River Watershed Council 60 Island Street, Suite 211-E Lawrence, MA 01840
Appalachian Mountain Club Pinkham Notch Camp P.O. Box 298 Gorham, NH 03581	Environment New Hampshire 30 South Main Street, Suite 301 Concord, NH 03301	Lakes Region Conservation Trust P.O. Box 766 Center Harbor, NH 03226
New Hampshire Sierra Club 40 North Main Street, 2 <sup>nd</sup> Floor Concord, NH 03301	Conservation New Hampshire 88 North Main Street, Suite 303 Concord, NH 03301	Pemigewasset Valley Fish and Game Club P.O. Box 38 Plymouth, NH 03264

<p>Debra Howland Executive Director New Hampshire Public Utilities Commission 21 South Fruit Street, Suite 10 Concord, NH 03301-2429</p>	<p>Atlantic Salmon Federation P.O. Box 467 Skowhegan, ME 04976-0467</p>	<p>City of Laconia City Hall East Beacon Street Laconia, NH 03246</p>
<p>Gabe Gries New Hampshire Department of Fish and Game Region 4 15 Ash Brook Court Keene, NH 03431</p>	<p>New Hampshire Office of Attorney General 33 Capitol Street Concord, NH 03301-6310</p>	<p>James Gallagher Chief Engineer New Hampshire Water Resources Board 29 Hazen Drive Concord, NH 03301-6504</p>
<p>Paul V. Nolan 5515 17<sup>th</sup> Street North Arlington, VA 22205-2722</p>	<p>Northeast Nation Marine Fisheries Service 1 Blackburn Drive Gloucester, MA 01930-2298</p>	<p>Ronald G. Chevalier Vice President Northeast Utilities Service Company P.O. Box 270 Hartford, CT 06141-0270</p>
<p>Andrew Raddant Regional Environmental Officer Office of Environmental Policy and Compliance 408 Atlantic Ave. Room 142 Boston, MA 02210-3334</p>	<p>John M. MacDonald Vice President – Operations Public Service Company of New Hampshire P.O. Box 330 Manchester, NH 03105-0330</p>	<p>Curtis Mooney Public Service Company of New Hampshire P.O. Box 330 Manchester, NH 03105-0330</p>
<p>R. G. Chevalier Vice President Public Service Company of New Hampshire P.O. Box 330 Manchester, NH 03105-0330</p>	<p>United States Army Corps of Engineers Commander North Atlantic Division 26 Federal Plaza #2109 New York, NY 10278-0090</p>	<p>United States Bureau of Indian Affairs Office of the Solicitor 1849 C Street, NW, MS 6557 Washington, DC 20240</p>

<p>United States Bureau of Indian Affairs Keith S. Bluecloud Natural Resources Branch Manager 545 Marriott Drive, Suite 700 Nashville, TN 37214</p>	<p>United States Bureau of Land Management John Bryant Kennedy 2351 College Station Road Athens, GA 30605-3619</p>	<p>United States Bureau of Land Management Field Manager 626 E. Wisconsin Ave. Suite 200 Milwaukee, WI 53202-4618</p>
<p>United States Department of the Interior Andrew Tittler Attorney-Advisor 1 Gateway Center, Suite 612 Newton, MA 02458</p>	<p>United States Department of the Interior Virginia Reddick Office of Environmental Affairs 1849 C Street NW, Room 2340 MIB Washington, DC 20240</p>	<p>United States Geological Survey Director 361 Commerce Way Pembroke, NH 03275-3718</p>
<p>United States Senate Senator Kelly Ayotte 144 Russell Senate Office Building Washington, DC 20510</p>	<p>Mark Prout United States Forest Service White Mountain National Forest 71 White Mountain Drive Campton, NH 03223</p>	

**APPENDIX A**  
**STUDY PLAN CRITERIA**  
**18 CFR Section 5.9(b)**

Any information or study request must contain the following:

1. Describe the goals and objectives of each study proposal and the information to be obtained;
2. If applicable, explain the relevant resource management goals of the agencies or Indian tribes with jurisdiction over the resource to be studied;
3. If the requester is not a resource agency, explain any relevant public interest considerations in regard to the proposed study;
4. Describe existing information concerning the subject of the study proposal, and the need for additional information;
5. Explain any nexus between project operations and effects (direct, indirect, and/or cumulative) on the resource to be studied, and how the study results would inform the development of license requirements;
6. Explain how any proposed study methodology (including any preferred data collection and analysis techniques, or objectively quantified information, and a schedule including appropriate field season(s) and the duration) is consistent with generally accepted practice in the scientific community or, as appropriate, considers relevant tribal values and knowledge; and
7. Describe considerations of level of effort and cost, as applicable, and why proposed alternative studies would not be sufficient to meet the stated information needs.

**APPENDIX B  
PROCESS PLAN AND SCHEDULE**

Shaded milestones are unnecessary if there are no study disputes. If the due date falls on a weekend or holiday, the due date is the following business day.

<b>Responsible Party</b>	<b>Pre-Filing Milestone</b>	<b>Date</b>	<b>FERC Regulation</b>
PSNH	Issue Public Notice for NOI/PAD	7/2/12	5.3(d)(2)
PSNH	File NOI/PAD with FERC	7/2/12	5.5, 5.6
FERC	Tribal Meetings	8/1/12	5.7
FERC	Issue Notice of Commencement of Proceeding; Issue Scoping Document 1	8/31/12	5.8
FERC	Project Site Visit and Scoping Meetings	9/18/12 & 9/19/12	5.8(b)(viii)
All stakeholders	PAD/SD1 Comments and Study Requests Due	10/30/12	5.9
FERC	Issue Scoping Document 2	12/14/12	5.1
PSNH	File Proposed Study Plan (PSP)	12/14/12	5.11(a)
All stakeholders	Proposed Study Plan Meeting	1/13/13	5.11(e)
All stakeholders	Proposed Study Plan Comments Due	3/14/13	5.12
PSNH	File Revised Study Plan	4/13/13	5.13(a)
All stakeholders	Revised Study Plan Comments Due	4/28/13	5.13(b)
FERC	Director's Study Plan Determination	5/13/13	5.13(c)
FS, FWS, Ecology	Any Study Disputes Due	6/2/13	5.14(a)
Dispute Panel	Third Dispute Panel Member Selected	6/17/13	5.14(d)
Dispute Panel	Dispute Resolution Panel Convenes	6/22/13	5.14(d)(3)
PSNH	Applicant Comments on Study Disputes Due	6/27/13	5.14(j)
Dispute Panel	Dispute Resolution Panel Technical Conference	7/2/13	5.14(j)

<b>Responsible Party</b>	<b>Pre-Filing Milestone</b>	<b>Date</b>	<b>FERC Regulation</b>
Dispute Panel	Dispute Resolution Panel Findings Issued	7/22/13	5.14(k)
FERC	Director's Study Dispute Determination	8/11/13	5.14(l)
PSNH	First Study Season	2013-2014	5.15(a)
PSNH	Initial Study Report	5/13/14	5.15(c)(1)
All stakeholders	Initial Study Report Meeting	5/28/14	5.15(c)(2)
PSNH	Initial Study Report Meeting Summary	6/12/14	5.15(c)(3)
All stakeholders	Any Disputes/Requests to Amend Study Plan Due	7/12/14	5.15(c)(4)
All stakeholders	Responses to Disputes/Amendment Requests Due	8/11/14	5.15(c)(5)
FERC	Director's Determination on Disputes/Amendments	9/10/14	5.15(c)(6)
PSNH	Second Study Season	2014-2015	5.15(a)
PSNH	Updated Study Report due	5/13/15	5.15(f)
All stakeholders	Updated Study Report Meeting	5/28/15	5.15(f)
PSNH	Updated Study Report Meeting Summary	6/12/15	5.15(f)
All stakeholders	Any Disputes/Requests to Amend Study Plan Due	7/12/15	5.15(f)
All stakeholders	Responses to Disputes/Amendment Requests Due	8/11/15	5.15(f)
FERC	Director's Determination on Disputes/Amendments	9/10/15	5.15(f)
PSNH	File Preliminary Licensing Proposal	8/4/15	5.16(a)
All stakeholders	Preliminary Licensing Proposal Comments Due	11/2/15	5.16(e)
PSNH	File Final License Application	12/31/15	5.17
PSNH	Issue Public Notice of License Application Filing	1/14/16	5.17(d)(2)

**ATTACHMENT 2: WAIVER OF COMMISSION REGULATIONS AND EXPEDITED  
STUDY PLAN DETERMINATION, MIDDLE FORK AMERICAN RIVER (FERC P-2079)**



FEDERAL ENERGY REGULATORY COMMISSION  
WASHINGTON, D.C. 20426

June 18, 2008

OFFICE OF ENERGY PROJECTS

Project No. 2079-061 – California  
Middle Fork American Project  
Placer County Water Agency

Mal Toy, Project Engineer  
Placer County Water Agency  
144 Ferguson Road  
Auburn, CA 95603

**Reference: Granting of Regulation Waiver Request and Setting Final Due Date for  
Comments on Study Plans**

Dear Mr. Toy:

On May 23, 2008, Placer County Water Agency (Placer County) filed a request to expedite the Study Plan Determination Process and waive the Commission's regulations in 18 CFR §5.11 (Potential Applicant's Proposed Study Plan and Study Plan Meetings) and 18 CFR §5.12 (Comments on Proposed Study Plan) for the relicensing of the Middle Fork American Project. Placer County stated that expediting the approval process would: (1) provide certainty in the scope of work for studies currently being implemented in 2008 by Placer County based on early stakeholder consensus, and (2) allow the relicensing participants to focus their efforts on completing the technical studies early in the process to provide sufficient time for Placer County and the stakeholders to fully evaluate project effects and collaboratively develop new license conditions.

On June 2, 2008, we issued a request for comments on Placer County's waiver request, with comments due 15 days from the date of that letter (June 17, 2008). We received no comments on Placer County's waiver request. It appears as though relicensing participants have had adequate time to put forth any study needs and preliminary comments. We agree with Placer County that a waiver will expedite the study development process and will allow more time for the completion of studies and the

development of any needed environmental measures. Therefore, Placer County's waiver request is granted.

We are considering the Technical Study Plans included in Placer County's Pre-Application Document (filed December 13, 2007) as well as the revised Instream Flow Technical Study Plan (filed on May 23, 2008) to be Placer County's Revised Proposed Study Plans (18 CFR §5.13). **Final stakeholder comments on Placer County's Revised Study Plans are due 15 days from the date of this letter.** A revised relicensing process schedule is included as Schedule A.

If you have any questions, please contact Carolyn Templeton at (202) 502-8785 or [carolyn.templeton@ferc.gov](mailto:carolyn.templeton@ferc.gov).

Sincerely,

J. Mark Robinson, Director  
Office of Energy Projects

Enclosure: Schedule A

cc: Mailing list  
Public Files

**Schedule A**  
**Revised Relicensing Process Schedule**

FERC 18 CFR §	Relicensing Activity	Responsible Party	Activity Time Frame	Deadline
<b>Initiation of Relicensing Process</b>				
5.5	<b>Filing of Notification of Intent (NOI)</b>	PCWA	Five to five and one half years prior to existing license expiration. Filed concurrent with Pre-application Document.	12/13/2007
5.5(e)	Request to be Non-Federal representative under Section 7 of the Endangered Species Act (ESA)	PCWA	Provide simultaneously with filing of NOI.	12/13/2007
5.5(e)	Request to initiate consultation under Section 106 of the National Historic Preservation Act (NHPA)	PCWA	Provide simultaneously with filing of NOI.	12/13/2007
5.6	<b>Filing of Pre-application Document (PAD)</b>	PCWA	Five to five and one half years prior to existing license expiration. Filed concurrent with NOI.	12/13/2007
<b>FERC Scoping</b>				
5.7	<b>Initial Tribal Consultation Meeting</b>	FERC	Within 30 days following filing of NOI/PAD .	1/14/2008
5.8	<b>Notice of Commencement of Proceeding and Scoping Document</b>	FERC	Within 60 days of filing NOI/PAD	2/11/2008
5.8(a)(b)	Issue notice of NOI/PAD and request for comments	FERC	Concurrent with notice of commencement of proceeding.	2/11/2008
5.8(b)	Decision regarding licensee request to initiate informal consultation under Section 7 of the ESA, or Section 106 of the NHPA	FERC	Concurrent with notice of commencement of proceeding.	2/11/2008
5.8(c)	Issue Scoping Document 1 (SD1)	FERC	Concurrent with notice of commencement of proceeding.	2/11/2008
5.8(b)(3)(viii)	<b>Conduct public scoping meeting and site visit</b>	FERC	Within 30 days of the notice of commencement of proceeding.	3/4-5/2008
5.9 (a)	File comments on PAD and SD1, and provide study requests	Participants	Within 60 days following the Commission's notice of commencement of proceeding.	4/11/2008
5.10	Issue Scoping Document 2 (if necessary)	FERC	Within 45 days following the deadline for filing of comments on SD1.	5/27/2008

<b>Study Plan Development</b>				
5.11 5.12	<b>Proposed Study Plan and Study Requests</b> - <i>Technical Study Plans were included in the PAD and Study Requests were addressed in consultation with stakeholders from February through May 2008.</i>			
	Submit Request for Waiver of Commission's Regulations	PCWA	Concurrent with issuance of Revised Study Plan.	5/23/2008
	Issue notice of Request for Waiver of Commission's Regulations	FERC		6/2/2008
	File comments on Request for Waiver of Commission's Regulations	Participants	Within 15 days following the notice of Request for Waiver of Commission's Regulations.	6/17/2008
	File notice of approval of Request for Waiver of Commission's Regulations.	FERC		6/18/2008
5.13	<b>Revised Study Plan and Study Plan Determination</b>			
5.13(a)	Issue Revised Study Plan	PCWA	Within 30 days following the deadline for filing comments on the Proposed Study Plan.	5/23/2008
5.13(b)	File comments on Revised Study Plan	Participants	Within 15 days following notice of approval of Request for Waiver of Commission's Regulations.	7/3/2008
5.13(c)	<b>Issue Study Plan Determination</b>	FERC	15 days following the deadline for filing comments on the Revised Study Plan.	7/18/2008
5.13(d) 5.14(a)	File notice of study dispute	Mandatory conditioning agencies	Within 20 days of the Study Plan Determination.	8/7/2008
5.13(d)	Study Plan approved, if no notice of study dispute is filed	FERC	Within 20 days of Study Plan Determination.	8/7/2008

5.14	<b>Formal Study Dispute Resolution Process</b>			
5.14(d)	Convene Dispute Resolution Panel, if notice of Study Plan dispute is filed	FERC	Within 20 days of the notice of study dispute.	8/27/2008
5.14(i)	File with Commission and serve upon panel members comments and information regarding dispute	PCWA	No later than 25 days following the notice of study dispute.	9/1/2008
5.14(k)	Issue findings and recommendations regarding the study plan dispute to Director of the Office of Energy Projects	Dispute Resolution Panel	No later than 50 days following the notice of study dispute.	9/26/2008
5.14(l)	<b>Issue written determination on study plan dispute</b>	FERC	No later than 70 days from the date of filing of the notice of study dispute.	10/16/2008
<b>Conduct Studies</b>				
5.15(a)	Conduct First Year Studies	PCWA	May 2007 through December 2007	12/31/2007
5.15(b) 5.15(c)(1)	File progress report and Initial Study Report	PCWA	Within one year after Commission approval of the study plan. <i>Due to early implementation of studies, this activity was completed prior to approval of the Technical Study Plans</i>	1/22/2008
5.15(c)(2)	Conduct Initial Study Report Meeting	PCWA	Within 15 days of filing the Initial Study Report. <i>Due to early implementation of studies, this activity was completed prior to approval of the Technical Study Plans</i>	2/4/2008
5.15(c)(3)	File Initial Study Report Meeting Summary including any study modifications or new studies	PCWA	Within 15 days following the Initial Study Report Meeting. <i>Due to early implementation of studies, this activity was completed prior to approval of the Technical Study Plans</i>	2/19/2008
5.15(c)(4)	File disagreement with Initial Study Report Meeting Summary	FERC and participants	Within 30 days following the filing of the Initial Study Report Meeting Summary.	3/20/2008
5.15(c)(7)	If no disagreements are filed, approve proposed amendment to study plans	FERC	Thirty days following the filing of the Initial Study Report Meeting Summary.	3/20/2008

<i>No disagreements with the Initial Study Report Meeting Summary were filed.</i>				
5.15(f)	Conduct Second Year Studies	PCWA	January 2008 through December 2008	12/31/2008
5.15(f)	File progress report and Updated Study Report	PCWA	Within two years after Commission approval of the study plan.	1/22/2009
5.15(c)(2)	Conduct Updated Study Report Meeting	PCWA	Within 15 days of filing the Updated Study Report.	2/6/2009
5.15(c)(3)	File Update Study Report Meeting Summary including any study modifications or new studies	PCWA	Within 15 days following the Updated Study Report Meeting.	2/23/2009
5.15(c)(4)	File disagreement with Updated Study Report Meeting Summary	FERC and Participants	Within 30 days following the filing of the Updated Study Report Meeting Summary.	3/25/2009
5.15(c)(7)	If no disagreements are filed, approve proposed amendment to study plans	FERC	Thirty days following the filing of the Updated Study Report Meeting Summary.	3/25/2009
5.15(c)(5)	If disagreements are filed, file responses to disagreement with Updated Study Report Meeting Summary	FERC, PCWA and Participants	Within 30 days of the filing of a disagreement with Updated Study Report Meeting Summary.	4/24/2009
5.15(c)(6)	Resolve disagreement and amend approved study plan	FERC	Within 30 days following the due date for responses to disagreement.	5/25/2009
5.15(f)	Promptly proceed with any remaining undisputed studies or amended studies	PCWA		Starting: 3/25/2009 (undisputed)  5/25/2009 (disputed)
<b>Filing of License Application</b>				
5.16(a)	<b>File Preliminary Licensing Proposal or Draft Application</b>	PCWA	No later than 150 days prior to the deadline for filing a new license application.	10/1/2010
5.16(e)	File comments on Preliminary Licensing Proposal or Draft License Application	FERC and Participants	Within 90 days of the filing date of the Preliminary Licensing Proposal or Draft Application.	12/30/2010
5.17(a)	<b>File License Application</b>	PCWA	Must be filed no later than 24 months before the existing license expires.	2/28/2011



Document Content(s)

19346121.DOC.....1-7